LAND ALLOCATION IN TANZANIA:
A CASE OF MOROGORO, RUKWA AND COAST REGIONS
CERTIFICATION

We, the undersigned, certifies that we have read and hereby recommend for acceptance by the Mzumbe University, a thesis entitled; **Land Allocation in Tanzania: A Case of Morogoro, Rukwa and Coast Regions**, in partial fulfillment of the requirements for award of the degree of Master of Business Administration in Corporate Management (MBA-CM) of Mzumbe University

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I, Sara E. Adebe, declare that this thesis is my own original work and that it has not been presented and will not be presented to any other university for a similar or any other degree award.

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ACKNOWLEDGEMENTS

I sincerely express my gratitude to all individuals whose assistance confirmed very momentous in this study and a colorful production of this dissertation. I am indebted to my supervisor Dr Makuru Ngemba whose suggestions and criticism and censure contributed to accomplishment of this work.

In a very exceptional way, I register my thanks to the study respondents from Chakwale, Dumila, Ruaha, Kapalamsenga, Karema and Mapinga villages. I thank my family, particularly my husband for his love, inspiration and during my studies. When all is said and done, I assume full responsibility for any weakness associated with the outcome of this work.
DEDICATION

I dedicate this work to my beloved husband and children.
ACRONYMS

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<tr>
<td>ACHPR</td>
<td>African Charter on Human and People’s Rights</td>
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<td>CHRAGG</td>
<td>Commission for Human Rights and Good Governance</td>
</tr>
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<td>CSOs</td>
<td>Civil Society Organizations</td>
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<tr>
<td>FGDs</td>
<td>Focus Group Discussions</td>
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<tr>
<td>HAKIARDHI</td>
<td>A Civil Society dealing with Research on Land issues</td>
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<tr>
<td>KMS</td>
<td>Kilometers</td>
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<tr>
<td>LHRC</td>
<td>Legal and Human Rights Centre</td>
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<tr>
<td>MoLHHSD</td>
<td>Ministry of Land Housing Human Settlement Development</td>
</tr>
<tr>
<td>NLUPC</td>
<td>National Land Use Planning Commission</td>
</tr>
<tr>
<td>PINGO</td>
<td>Pastoralist’s indigenous and gatherers organization</td>
</tr>
<tr>
<td>TANESCO</td>
<td>Tanzania Electricity Supply Company</td>
</tr>
<tr>
<td>TANROADS</td>
<td>Tanzania Road Agency</td>
</tr>
<tr>
<td>UCLAS</td>
<td>University College of Land Studies</td>
</tr>
<tr>
<td>UNRISD</td>
<td>United Nations Research Institute for Social Development</td>
</tr>
<tr>
<td>URT</td>
<td>United Republic of Tanzania</td>
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<td>WWF</td>
<td>World Wildlife Foundation</td>
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ABSTRACT

The study on equity in land allocation in Tanzania aimed at determining the factors influencing land compensation to the evicted citizens when they were required to move out of the land allocated to investors in Tanzania specifically in Morogoro, Rukwa and Coast regions in six villages i.e. Ruaha, Dumila and Chakwale from Kilosa district, Kapalamsenga, Karema from Mpanda district and Mapinga in Bagamoyo district. The study used a cluster sampling technique to select six villages. The study drew 80 respondents through multistage sampling technique to select respondents. The primary data was collected through interview and observations. Various books, some articles, journals, News papers, Laws, Policies and reports were reviewed to get secondary data. Data was analyzed and the findings were that, land compensation to the evicted citizens were affected by loopholes in the existing land laws, procedures and land planning administration and land use management. Also it was observed that equity in land services delivery in Tanzania is affected by; i) the contravention of the principle of good governance whereby 51 respondents out 80 confirmed this problem such as double allocation done by land officers, lack of integrity among the land officers, corruption in land services delivery system. A total of 64 and 73 respondents out of 80 interviewees argued that village leaders and the Ministry of land, housing human settlement development and Tanzania Investment Center practice nepotism, favoritism and corruption.

It was concluded that there is no equity in land services delivery. Various laws enacted to govern land services delivery in the country are out dated i.e. since Pre-colonial era to-date hence doesn’t take care of the interests of indigenous people. Finally it was recommended that the government should review the existing land laws which control land services delivery. Integrity, accountability and good governance in land services delivery should be promoted and practiced to enable every individual to enjoy the right to land services. The government in collaboration with CSOs should establish public awareness campaigns on the existing major pieces of legislation governing land dispositions such as The Land Act and The Village Land Act, Tanzania investment Act, to solve occurring land disputes.
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CHAPTER ONE

INTRODUCTION

1.1 Information Background

Equity in land allocation in Tanzania has historical divergence on land tenure systems, land management systems, land eviction and compensation whenever citizens are evicted from their land acquainted customary through heritage or possession governed by Land Act 1999 and Village Land Act 1999.

“Since the Pre-colonial era to date Tanzania is experiencing endless land disputes. In Pre-colonial era, Tanganyika by then, Land tenure was a customary system which was administered by ethnic customs preferably, leaders of particular clans and tribes were mandated to decide land allocations and to settle all land disputes wherever they occurred” (CHRAGG 2008, HAKIARDHI 2010). During the British colonial era, the government assembly passed the Land law cap 113 to govern land acquisition, land use and tenure in Tanganyika.

After independence Tanzania didn’t change the land tenure system. The only change made was the substitution of land issue mandate from the control of governor to the president for the benefit of all the Citizens. In 1967 under the Arusha Declaration, The nationalized land and all major means of production was followed by a number of laws such as Village and Ujamaa Act 1975, Land regularization Act 1982, Local Government District Act No 7 of the 1982. Despite the fact that all laws were centered on the citizens, they didn’t change the land tenure system. Currently Tanzania is undergoing land tenure transformation to enhance equity in land allocation. However, “since the pre-colonial time to date land tenure system on allocation and eviction has been causing land disputes” (CHRAGG 2008).

The procedures, policies and Laws governing land allocation and eviction is another area which creates misunderstandings and disputes between investors and citizens, the government and citizens due to unlawful eviction unfair and delayed
compensation as a result of bureaucratic procedures and loophole in the existing laws. Land allocation in Tanzania is a phenomenon which needs a special attention to avoid conflict which may lead to civil war if equity and justice in land allocation and eviction will not be observed.

The recent land reforms have caused excessive citizens’ land grabbing and encourage land allocation to foreign investors. In Table No 6 below item No 2 indicate that due to the grabbing of citizen land by investors 2717 claims for compensation or alternative land in case of compulsory acquisition were presented before tribunals, while in item No 9 in the same table 469 claims of change in land use without following proper procedures done by mandated bodies in land services delivery were presented before the president Commission of enquiries on land disputes. In Table 8 the government and other land buyers accused for not paying land compensation for the land acquired both customary and by the existing laws and procedures. In some cases land owners were complaining that there has been a delay and unfair compensation practice.

Equity in land allocation is a serious issue. It should not left aside the land management system which constitutes land plan, and land use systems, the skilled personnel with high integrity and capacity in land services delivery. According to Tanzania Land Act of 1999 section4 (4) state that all land in Tanzania, including village land, is a public land and is vested in the President as a trustee for land on behalf of all the citizens, while Land Act section 3 (1) (a) and 4 (1) and Village Land Act section 3 (1) (b) for the land allocation and management purposes. There is a general land which is managed by the central government through the Commissioner for Lands and reserved land which is managed by different institutions depending on the purpose for which the land was reserved.

(Land Act 1999, URT Constitution1977). For the purpose of proper land management, the Village Land Act section 12, stipulates the division of the village land into three categories, communal village land, Individual or family land and reserved village land. The village council is mandated to divide the land. According
to Commission for Human Rights and Good Governance research findings on land disputes “the village leaders are accused to grab the citizen’s lands and allocate to the rich citizens and foreigners” (CHRAGG, 2008)

1.2 Statement of the Problem:

Equity in land allocation in Tanzania since the pre-colonial to date is a paradox issue. The country has been taking various measures to enhance equity in land services delivery. The Constitution of URT 1977, National Land Policy 1995 as well as the land laws state that any person has the right to own or hold any property lawfully acquired, and that the deprivation of such a right must be a lawful. The study has revealed that despite of all efforts made from time to time no achievement has been reached in enhancement of equity in land allocation in Tanzania. However equity in land services delivery in the country can be attained by looking at the interaction of four variables; land laws, land allocation, eviction and compensation. The research problem was to find out the factors influencing land compensation to the evicted citizens when they are required to move out of the land allocated to investors in Tanzania. The position of the existing land laws in land allocation in Tanzania was prioritized and earmarked in this study.

However if land laws could be good since Pre-colonial to date, land services delivery could have been done ethically. The study learnt that there is a gap in land laws which are accelerating unlawful eviction, unfair and compensation. Equity in land services delivery therefore is impossible due to a gap on how land compensation is done. Land valuation also is surrounded by corruption. Lastly the gap has been identified in procedures used in eviction. Citizens have been forced to move out from their land without reasonable compensation.

1.3 Main Objective

The main objective of this study was to determine factors influencing land compensation to the evicted citizens when they are required to move out of the land allocated to investors in Tanzania.
1.3.1 Specific Research Objectives

(i) To examine how land compensation is done to evicted citizens from the land allocated to investors in Tanzania.

(ii) To examine the procedures used in evicting the citizens from the land allocated to the investors in Tanzania.

(iii) To examine laws governing land allocation to the investors in Tanzania.

1.4 Statement of Hypothesis

H0: Compensation is directly related to laws and procedures in eviction and allocation of the land in Tanzania.

1.5 Significance Study

The findings would be disseminated in various forums where they will be used for reference purposes by other researchers who wish or are interested in conducting a similar or related topic. The findings provided new knowledge to policy makers and land services beneficiaries on laws and procedures used in land allocation, eviction, and compensation in Tanzania. The study recommended to respective authorities to improve land services delivery procedures in Tanzania.

1.6 Limitations and Delimitation

1.6.1 Limitation to the Study

The study encountered some hindrances during data gathering such as:

(i) Financial problem: The Study failed to collect more information on equity in land. The study couldn’t mobilize any fund to support the data collection activity.

(ii) Distance: the most affected citizens on land eviction are found in rural areas where is very far from Dar es Salaam. For example from Dar es Salaam to Mpanda is 1416 Kilometers Dar es Salaam to Bagamoyo which is the nearest place is 70 Kilometers The study witnessed a long distance as an obstacle in getting detailed information on equity in land allocation in Tanzania.
(iii) **Communication Skills:** Most of evicted citizens stay in rural areas where most of them use their mothers’ tongue (ethnic languages) in communication. The study experienced a communication barrier during the data collection process.

### 1.6.2 Delimitation of the Study

The study geographical area is within the United Republic of Tanzania the concentration was in Kilosa, Mpanda and Bagamoyo districts where many citizens have been evicted. This area was easy to reach using the little amount of money availed for research. The focus was on Land personnel, law enforcers, academicians, CSOs and Citizens, investors and other land stakeholders from whom data was easy to collect.
CHAPTER TWO

LITERATURE REVIEW

2.1 Theoretical Overview
In understanding the equity in land allocation in Tanzania the study used the functionalism approach or theory to see how land stakeholders are interrelated in land services delivery. According to Haralambos & Healed (1980), the functionalism theory was developed by Emile Durkheim (1858-1917) and refined by Talcot Parsons (1902-1979). It views a society as a system which is a set of interconnected parts which together form a whole. Equity in land services delivery in Tanzania was treated as a system which is enhanced by many interconnected actors or institutions. The study looked at the interrelationship of all land stakeholders, laws and procedures controlling land services delivery in the country.

On the other hand, land services delivery was regarded and treated as projects which involve many beneficiaries in every stage, that are land allocation, eviction and compensation. Equity in land services delivery is achieved when the participation of all land stakeholders is fully observed.

According to Potts (2002), when he was looking at a good project designing approach, the involvement of all project beneficiaries or interest groups was seen to be essential for the success of the project.

“Equity in land allocation in Tanzania is a product of many actors and institutions at different time and stages, the involvement or participation of all land stakeholders are unavoidable thing”.

2.2 Empirical Literature Review
In exploring procedures used in land allocation to the investors in Tanzania the attention was put on laws and procedures governing land allocation, eviction and compensation in Tanzania. The study referred to various literatures to see what is documented and what is missing when equity in land services delivery in Tanzania is
presented. Since 1990s Tanzania has been liberalizing her economy whereby land has been earmarked as a new investment area. This has led to land grabbing and land allocation to foreign investors, few prosperous Tanzanians and evicting the citizens from their land without timely and justice compensation. According to United Nations Research Institute for Social Development) “many analysts have charged that the new laws under the land reforms are really to protect foreign investors at the expense of local communities” (UNRISD 2001).

The study had referred to some known studies which have been done to examine the land eviction procedures in Tanzania. According to African Commission on Human Rights((ACHPR 2005) the establishment of National Parks and Conservation areas has led to severe dispossession of pastoralists and hunters-gatherer communities in Africa; 1998 in Rwanda Batwa people were evicted, In 1991 in Uganda around 3000-6000 Batwa people were evicted,. In Cameroon around 5260km2 hectors were taken to establish Dja Reserve and about 4000 people were evicted. In Botswana around 1500 San people were evicted by the Kalahari Reserve. The establishment of national reserves especially National parks, forest and Games reserves are accompanied by eviction, unfairly, timely compensation .The evicted citizens were not allocated new or another land for their use.

In Tanzania the Maasai were evicted from their ancestral land due to establishment of the National parks such as Manyara, Tarangile, Ngurudoto, Serengeti and Mkomazi. The evictions have been rampant, very traumatizing and have been conducted brutally because there is no specific comprehensive law that sets out eviction and compensation procedures (HAKIARDHI 2010, PINGO 2011, CHRAGG 2008, and LHRC 2010).

Various studies by Human Rights Activists (ibid) ascertained that “there has been a low level of public awareness, on compensation procedures low level of citizens’ involvement in computation the compensation” (ACHPR 2005). The study on equity in land allocation in Tanzania came up with recommendations on laws and procedures governing land allocation, eviction and compensation in Tanzania.
In Tanzania there is discrimination in land allocation, which is a product or is accelerated by existing Laws and procedures in land allocation. According to Rebecca I&amp; Sigte, I (2009) when looked at the equity in land allocation in terms of gender she concluded that “we can draw the common accord that customary land tenure systems have been discriminating women comparatively to men in various ways”.

Equity in land services delivery in Tanzania should also consider the compensation to the evicted citizens. Many Institutions have commented that evicted citizens were either less compensated or not compensated at all (CHRAGG, 2008; LHRC, 2010; PINGO, 2011; ACHPR, 2003). In 2010 LHRC reported that during the Kipawa eviction in Dar es Salaam 333 buildings were demolished within two days where many people lost their property including their right to own land, and they were unfairly compensated by the government.

2.3 Research Gaps
In understanding the equity in land allocation in Tanzania, the gaps mentioned below were identified due to their influence on land allocation, eviction and compensation:

(i) Land compensation and how it is done to evicted citizens from the land allocated to investors in Tanzania was not clear.

(ii) The procedures used in evicting the citizens from the land allocated to the investors in Tanzania are not clear and doubtful.

(iii) The existing land laws which govern land allocation, eviction and compensation and its implication in land services delivery need to be examined.
2.3 Conceptual Framework on Equity in Land Allocation in Tanzania

Figure 2.1: Conceptual Framework on Equity in Land Allocation in Tanzania

Source: Field Data, 2013

This links the relevancy between the compensation of the land rights and the law of the country after eviction and allocation of lands has been done. It is from within such a link that equity is realized to have been done or otherwise. This link is made of the independent variable law and dependent variables which are eviction, land allocation and compensation. These three independent variables are the ones within which equity is confined. Land allocation and land eviction are subject to procedures stated in the established laws of the country. Compensation, which normally falls as the result of the two, is as well dependent on the established legislations. Hence the fairness in the process on how the above three are done, that is equity, is as well dependent on the founded legislations.

The explanatory study like this establishes relationship between variables regarding the studied problems and situations with the main purpose of explaining relationship between variables. Description in administration and management has a clear place. However, it should be a means to an end rather than an end in itself (Saunders et al, 2009).
This means that if the research utilizes description it is likely to be a precursor to explanation, thus it follows that, significantly if the laws of the country are good, then eviction land allocation and compensation of land rights will be done in proper procedures and as a result equity is guaranteed to all citizens. However, when the laws are bad or are conducted in unnecessarily improper way, then eviction, land allocation and compensation will be done improperly and hence violate equity. There was a significant relationship among the variables indicated in this conceptual framework of the study.
CHAPTER THREE

METHODOLOGY

3.1 Research Area
The selection of the study area was conducted through good approach because it engaged some fundamental questions like “where, how” and “why”. Also the approach helped to control over events and focus on real life events (Kothari, 2002).

The research was carried out in Morogoro region particularly in Kilosa district, Rukwa region in Mpanda districts, and Coast region in Bagamoyo districts. These regions are located in the central parts of Tanzania, in the Southern-Western Highlands and in the coastal areas of the country respectively. Morogoro region is almost 200KMS in West of Dar es salaam city while Bagamoyo is a historical town. It was the last point for the slave caravan in mainland before sailing to Zanzibar. It is situated along the Coast in the north of Dar es Salaam. It is just one hour self driving to cover 70 KMS distance to Bagamoyo. Rukwa region is the furthest place in the west of the country. It is found along the Lake Tanganyika almost 1416 Kms from Dar es Salaam.

The economic activities in these areas are agriculture, pastoralist and mining. This activity involves the citizens, the investors and the government of the United Republic of Tanzania. In fact land is the major means of production as far as these activities are concerned. Thus how land is administered and used to carter for the same triggered the conducting of this study because the process has always raised woes and queries of dissatisfaction mostly from among the local citizens of the country.

3.2 Research Design
In designing the research, initially it was found essential to underscore what exactly is equity in land allocation. It was accepted that equity in land allocation is all about fairness or justice in land allocation, eviction and timely compensation. The
primary data were collected through observation and interview methods where six
villages of Dumila, Chakwale, Ruaha, Mapinga, Kapalamsenga and Karema from
Kilosa, Bagamoyo and Mpanda districts were the research area. Various documented
Literatures/ readings such as reports, Newspapers, Journals, Laws, Policies and
literatures related to land services delivery in Tanzania were referred to in collecting
the secondary data which cemented the arguments raised from the primary data. The
study population was land personnel officers, Academicians, investors, farmers,
pastoralists and CSOs. The study drew its sample through using Cluster Sampling
techniques where 6 villages were selected to represent the whole country. 80
respondents were selected .The sample design was used due to the fact that it raised
the question like what is the targeted population, what is the sampling frame and
what is the sample size. This made the study more clear because issues to be
addressed were obtained from the data received.

The respondents were chosen through multistage sampling technique. The study
wanted the representation of all land services delivery stakeholders. The data
analysis employed the statistical package for social sciences (SPSS) where
frequencies, percentages and descriptions were made to elaborate the data. The study
employed both qualitative and quantitative techniques, so that the intended objectives
of the study were fulfilled and to acquire frequencies of respondents’ feedback and
calculating percentages and finally results were used to draw up charts. Qualitative
analysis used to interpret the quantitative data in terms of the highest and lowest
results.

The conceptual diagram and explanation were made to present the links between
the dependent variables, land allocation, eviction and compensation and the
independent variable laws. It has been seen that the three dependent variables are
influenced by the variable laws and drawing a conclusion on equity in land allocation
in Tanzania. The findings were presented at University of Bradford, Mzumbe
University and will be disseminated to different forums.
3.3 Population under Study
To find out the equity in land services delivery in Tanzania, the study drew its population under the study by including all land stakeholders that are land officers, Academicians, investors, farmers, Pastoralists mandated bodies to facilitate land services delivery and CSOs. The study also consulted various literatures which have discussed about land allocation, eviction, and compensation in Tanzania.

3.4 Sample Size and Sampling Technique

3.4.1 Sample Size
A good Sample to represent a large Tanzania population employed in data collection process. The research respondents were drawn from three regions where districts were clustered and chosen. Six villages were selected as study. The study respondents were chosen through multistage sampling technique. Eighty (80) respondents were selected as a sample to represent the Country Population in this study.

3.4.2 Sampling Technique
To obtain the respondents, two Sampling techniques were used; The Cluster sampling technique which covered the selection of research geographical area whereby six villages were selected as a study sample. On the other hand the multi stage sampling technique was used to draw a number of 80 respondents from the whole population. The techniques and the sample size were chosen due to the nature of the study.

3.4.3 Data Collection
Apart from collecting secondary data, the main source of information of this study is the primary data collected through interview and observation in six villages of Chakwale, Dumila and Ruaha in Kilosa district in Morogoro region. In Rukwa region the study interviewed the Kapalamsenga and Karema villagers in Mpanda district. Lastly is Mapinga villagers in Bagamoyo district in the Coast region. The study also visited the Ministry of Land, Housing and Settlement (MoLHHSD),
Tanzania Investment Centre (TIC), University of Land Studies (UCLAS) and HAKIARDHI (CSOs) which is engaged in land services delivery in the country.

The field or primary data were collected for the purpose of making comparison with what is written by various authorities on equity in land allocation in Tanzania. These districts were chosen due to the fact that:-

(i) They are the most fertile and suitable for agro-pastoralist where Citizens and Foreign investors are struggling to acquire land for multipurpose use.

(ii) The Citizens in these districts have been reported in various Medias that they are evicted from their land without compensation and their lands are grabbed and allocated to investors, government officials and politicians and the rich Citizens.

(iii) Both Primary and Secondary data were collected. The primary data were collected because there is no enough literature on equity in land allocation in Tanzania. However the available literatures were consulted as secondary data and reference in expounding and cementing the primary data arguments.

Secondary Data were collected from, articles, journals Newspapers, Laws, Policies, books and Internet facilities.

Primary Data were collected by visiting six villages through observation method and interviewing the respondents. The structured chronological interview questions were asked followed by discussion on the three dependent variables land allocation, eviction and compensation in linking with the dependent variable the existing land laws. Reflecting on the study, it is considered that the study is particularly functional learning process. The study has put together and applies various, policies and best practices learnt from the designed course modules in understanding the equity in land allocation in Tanzania. Looking at the research design, different research methods were employed data gathering. The observation method was useful in this type of qualitative and descriptive study because it observed and
generates a lot of useful information from the research area, general public and to other land stakeholders in looking at the procedures used in land services delivery in the country.

Also documentary analysis method was used in data collection and analysis in order to understand the land laws and policy, while the interview through focus group discussions seemed to be useful and appropriate for soliciting information which was not acquired through other methods. Through FGDs all respondents were active and excited to contribute their views on land services delivery system. The data collection sometimes started late due to official protocol and logistics and the discussions sometimes had to end very late because Citizens showed high interest on the land services delivery discussion.

### 3.5 Data Analysis

Data analysis used both the qualitative and quantitative. It started with processing and data mining. Irrelevant data were deleted to avoid errors. The quantitative analysis was done through the statistical package for social sciences (SPSS). The results were presented in numbers through frequencies; percentages finally the results were used to draw up charts. Qualitative analysis was used to interpret the quantitative data in terms of the highest and lowest results. The discussion on raised argument was done to cement the fact and drawing the conclusion.
CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND DISCUSSION OF THE FINDINGS

4.1 Introduction
This chapter presents what has been described by respondents, data presentation, analysis and discussion from the area of the study. The objective of this chapter is to discuss the findings of the study and come out with relevant solutions regarding to the research objectives and proof of the hypothesis. The findings presented are analyzed results from the respondents and documents related to land matters in Tanzania.

4.2 Data Presentation
This is the primary data from the field where 80 respondents from six villages were interviewed. A number of photos were taken in specific events as data. The secondary information especially in the discussion section were used to cement the arguments

4.2.1 Contravention in Good Governance and Integrity in Land Services Delivery
The study discovered that the registered rights of people in principles are legally protected. However in practice land services providers and law enforcers are alleged to have low integrity in land services delivery because they are corrupt and have been practicing double allocation and nepotism which is unethical and contravention of the principles of good governance. This fact is reflected in the quantitative data in Table 4.1 below:
Table 4.1: Factors Affecting Equity in Land Sector in Tanzania

<table>
<thead>
<tr>
<th>Factors</th>
<th>Respondents</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>No fairness and Justice in land allocation eviction and compensation</td>
<td>2</td>
<td>4.9</td>
</tr>
<tr>
<td>Corruption</td>
<td>3</td>
<td>7.3</td>
</tr>
<tr>
<td>Loop holes in existing laws governing land activities</td>
<td>8</td>
<td>14.6</td>
</tr>
<tr>
<td>Poor planning in land and land administration</td>
<td>3</td>
<td>7.3</td>
</tr>
<tr>
<td>Contravention of good governance, corruption, absence of equity &amp; integrity in land sector</td>
<td>51</td>
<td>43.9</td>
</tr>
<tr>
<td>I don’t know</td>
<td>1</td>
<td>2.4</td>
</tr>
<tr>
<td>Lack of accountability and nepotism</td>
<td>2</td>
<td>4.9</td>
</tr>
<tr>
<td>Double allocation due to corruption, favoritism, corruption, &amp; nepotism among mandated bodies to deal with land issues</td>
<td>8</td>
<td>14.6</td>
</tr>
<tr>
<td>Total</td>
<td>80</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: Field Data, 2013

Table 1: above indicates the finding from the research sample; the six villages show that 51 out interviewed 80 respondents pointed out that the contravention of good governance is a leading factor in affecting justice and equity in land services delivery in Tanzania

4.2.2 Double Allocation due to Corruption

Double allocation is whereby one plot of land is allocated to more than one person. In Tanzania there is a malpractice in land allocation, eviction and compensation conducted by government officers responsible with land services delivery and related issues. Land officers and government officers who are dealing with land are breaching the laid down land allocation, eviction and compensation procedures and rules. In all visited districts land officers, government officers and bodies mandated to deal with land services delivery, are seriously challenged for illegal allocation of plots / portions of land to more than one person and failure to compensate former owners of the plots, the Commission for human rights and good governance in its study on land disputes (2008) observed that the Citizens all over the country complained about double allocation of plots of land, unlawful eviction,
unfair and delayed compensation of their land taken by the government for the investment purposes or other government use.

In Mpanda district the government was alleged in grabbing the Citizens’ land to build the Katavi regional administration offices, filling stations, and airdrome. While at Dumila in Kilosa district Citizens complained that their playgrounds, market place, and bus stand plots are now allocated to private individuals’ settlements, who are given title deeds’. Most of the complainants reported in all districts where the study was carried out, the question of double allocation concurred, with various studies which argued that “district land officers who are always competitive over land acquisition and allocate the plots by using corrupt means” (CHRAGG 2008, PCCB 2005, Kironde, M 2006, HAKIARDHI 2010). It was reveal that double allocation “mostly done by land officials deliberately for not following allocation procedures; and motivated by corruption” (PCCB 2005).

Figure 4.1: A Photo of a Group of Herds at Kapalamsenga Village in Mpanda District, Grazing in Farm which is Also Allocated to Farmers Grows Crops.

Source: Field Data, 2013
This photo was taken at Kapalamsenga village in Mpanda district where the village leaders are accused to allocate lands to pastoralists for grazing purposes and to the farmers at the same time to grow crops. This is a double allocation of its own type and it is causing the deprivation of right to property and land ownership especially when one of the interest group is economically strong.

4.2.3 Corruption in Land Services delivery in Tanzania

The study has observed that land services delivery in Tanzania is influenced by corruption due to low land services delivery which does not cope with the high land demand. Corruption in land sector in Tanzania at first was identified in 1990s by the Tanzania (1994), Report of the Presidential Commission of Inquiry into Land Matters Presidential where it was reported that “government officials were using their powers to wreak havoc on weak land. Names of officers in Tanzania who double allocate land parcels will be forwarded to the Prevention of Corruption Bureau’’ (Guardian, 2006, PCCB 2005, Tenga W.R& et al. 2008).

The study also observed that Corruption in land services delivery is due to a big demand of acquiring surveyed plots and planned piece of land especially in big Cities. The available data indicate that in Tanzania between 1990 and 2001,’’ the city authorities received 243,473 applications for planned plots; only 8,209 were surveyed and allocated” (Kironde, 2006; Mpoki, D; Heguye, 2006; Kaijage, 2005); On the other hand it was learnt that” delays in the process of the Certificates of Occupancy whereby the applicants who want to expedite the process have to contribute or rather to give a bribe of 20000/- to 135000/- per certificate”(PCCB, 2005).
Table 4.2: Corruption in Land Services Delivery in Tanzania

<table>
<thead>
<tr>
<th>Body</th>
<th>Respondents</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corruption in land due to double allocation</td>
<td>1</td>
<td>2.4</td>
</tr>
<tr>
<td>Corruption due to timely valuation and land allocation</td>
<td>1</td>
<td>2.4</td>
</tr>
<tr>
<td>Corruption due to shortage of survey areas</td>
<td>1</td>
<td>2.4</td>
</tr>
<tr>
<td>Corruption, nepotism and favoritism in land service due to a big demand of land</td>
<td>73</td>
<td>92.7</td>
</tr>
<tr>
<td>Total</td>
<td>80</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: Field Data, 2013

Table 4.2 above indicate that 73 people, over 92.7% of the research respondents argued that equity in land services delivery is affected by corruption, nepotism and favoritism in land service due to a big demand of land all over the country.

4.2.4 Planning In Land, Land Use Administration and Land Management

Equity in land services delivery in Tanzania is characterized by “Shortage of skilled manpower, modern equipment and outdated technology which are the main problems that have maintained the inability to supply land to the applicants, delays in land planning, land survey, land valuation, land allocation, compensation and approval of plans” (Masinde, S.M. 2005, Isaksson, R and Sigte, 2009). Land administration is a public good that needs to be accessible and affordable to all. This is simply because, “rights over land cannot be separated from civil, political and human rights, and are dependent on political, administrative and professional readiness to ensure fair treatment and equal opportunities for all” (Rutaitika, D. 2008, Anzela, A.&at el. 2007) Land administration is attained when there is equity in land sector whereby all decisions made regarding land access, eviction, compensation and land use, the manner in which those decisions are implemented, and the way that conflicting interests in land are reconciled should reflect all stakeholders interest. The study has observed that the citizens interests are not fully covered in existing land laws and policies.
Table 4.3: Planning and Land Administration and Its Effect on Equity in Land Services Delivery.

<table>
<thead>
<tr>
<th>Body</th>
<th>Frequency</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ineffective Land survey</td>
<td>4</td>
<td>9.8</td>
</tr>
<tr>
<td>Land valuation, survey, planning, land management, taxation and registration</td>
<td>64</td>
<td>58.5</td>
</tr>
<tr>
<td>Land use and management</td>
<td>12</td>
<td>29.3</td>
</tr>
<tr>
<td>I don’t Know</td>
<td>1</td>
<td>2.4</td>
</tr>
<tr>
<td>Total</td>
<td>80</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: Field Data, 2013

Table 4.3 show that equity in land planning and administration in Tanzania is affected by planning in land, valuation land survey taxation registration and land management. Land officers are accused for failing to deliver adequately land services.

4.2 Enforcement on Equity in Land Allocation, Eviction and Compensation

Notwithstanding the fact that some improvement in enforcing the rights to property and land ownership as stipulated in the URT Constitution, and land laws has been taken where any person has the right to own or hold any property lawfully acquired, the study denotes that the improvement is cosmetic simply because the country has a deprivation of such right.

Tanzania land laws has loophole which has been causing a lot of problems and confusion in land issues such as implementing unlawful eviction when the evicted citizens are required to move out of the land taken by the government and allocated to investors. In all visited districts people were bitterly complaining about the unlawful and forceful eviction which has been causing the damage of properties and violating their right to land ownership. “The procedures used in evicting the citizens have been contravening the principles of good governance simply because they are ridden with corruption, malpractice and lack of integrity among the government officials, land officers and village leaders”. (CHRAGG 2008, LHRC 2010) On another hand, during the primary data collection process it was found that
government decides to take the Citizens’ land and allocate it to the investors or other public use.

It was also revealed that Citizens are not contented and are dissatisfied by owning un-surveyed and un-registered communal land areas. Even though both the Land Act 1999 and the Village Land Act 1999 provide a framework of which the rights held by individuals and groups in rural and urban areas are acknowledged. Moreover, under the constitution or by customary tenure system the procedures for the founding and managing of group land rights in rural areas, particularly those of pastoralists and hunters and gatherers are vague or non-existent” (PINGO2011).

The available data show that despite of the presence of legal framework controlling land issues such surveying and registration, valuation, allocation, and offering the title deeds, the majority Tanzanians almost 90% lack formal security, only 2% of rural land is held under statutory tenure meanwhile 80% in urban areas are held informally without any formal title” (Kironde LJM 2006, HAKIARDHI 2010).

Findings denote that compensation is another problematic area. Many people showed that are not happy with unfair and injustice procedures on existing laws which governing compensation. The National Land Policy1995 acknowledges that ‘’the existing law provisions on compensation exclude certain items or qualities in the assessment of compensation as a result, complaints on compensation are centred on inadequate rates and disregard for alternative assessment techniques, unfair and r or delayed compensation’’.

The Citizens are interested to see the compensation assessment of their land acquired or allocated to investors based on: - Market value of the real property;(ii) disturbance allowance-(iii) transport allowance; (iv) loss of profits or accommodation, (v) cost of acquiring or getting the land; (iv) any other loss or capital expenditure incurred to the development of the land as it is clearly stipulated in (Section 3(1) (g) of the Land Act 1999).
Table 4.4: Bodies Affecting Equity in Land Sector at the Village Level

<table>
<thead>
<tr>
<th>Body</th>
<th>Respondents</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village Council</td>
<td>4</td>
<td>9.8</td>
</tr>
<tr>
<td>Village Executive Leaders</td>
<td>64</td>
<td>58.5</td>
</tr>
<tr>
<td>District Land Officers</td>
<td>12</td>
<td>29.3</td>
</tr>
<tr>
<td>I don’t Know</td>
<td>1</td>
<td>2.4</td>
</tr>
<tr>
<td>Total</td>
<td>80</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: Field Data, 2013

Village leaders at the village level were mentioned by the respondents as the leading body in affecting equity in land services delivery as it is indicated by Table 4.4: above. It was argued that they are engaged in nepotism, favoritism and corruption, while at the national level the MoLHHSD and TIC are accused to facilitate unlawful eviction and unfair compensation to the Citizens.

Table 4.5: Bodies That Affect the Citizens on Land Services Delivery

<table>
<thead>
<tr>
<th>Body</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village council</td>
<td>1</td>
<td>2.4</td>
</tr>
<tr>
<td>Land Tribunal</td>
<td>1</td>
<td>2.4</td>
</tr>
<tr>
<td>District land officer</td>
<td>1</td>
<td>2.4</td>
</tr>
<tr>
<td>Ministry of land settlement and TIC</td>
<td>73</td>
<td>92.7</td>
</tr>
<tr>
<td>Total</td>
<td>80</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: Field Data, 2013

Table 4.5 above is establishing a discussion on various bodies which are affecting equity in land sector. The MoLHHDS and TIC were mentioned by the Citizens during the data collection as the leading bodies in affecting good governance and openness in Land services delivery in Tanzania.

4.3 Land Tribunals and Court

Land tribunals at all levels and the high Court of Tanzania are mandated by the existing laws such as village land act 1999, Land Act 1999 to facilitate land allocation, eviction and compensations conflicts and other land related issues. Land
Tribunals are law enforcers which draw its members from the respective village and ward. Its composition consists non government officials and legal officers especially to the village and ward land tribunals. The study learnt that the presence or the absence of land tribunals has the same impact in achieving equity in land services delivery in the country.

In villages such as Chakwale, Dumila and Mapinga where there are village land tribunals, most of land conflicts have been accelerated by members of those Tribunals unethical nepotistic and unlawful based decisions. The tribunal members are alleged to be corrupt. In villages, wards or districts were there is no land tribunals land conflict are rampant and Citizens have no where to take their land conflicts and claim for their land rights. “The conflicts remain unsolved. Citizens suffer from land allocation eviction and compensation conflicts.

These disputes or conflict land allocation eviction and compensation involving communities, particularly those involving pastoralists and farmers are a major headache. They flash now and then leading to loss of life and property” (CHRAGG 2008, HAKIARDHI 2010, Kironde 2006) According to MoLHHSD, between December 2005 to December 2008 a total of 33,163 cases were registered by the District Land and Housing Tribunals all over the country as it is shown in Table 4.6 below. Out of these 15,149 (48%) were heard and decided upon. However 50% of the decided cases there appealed in the High Court of Tanzania. Having such number of cases at the high court level is an indication that there is no equity in land allocation in Tanzania. All over the country land sector is characterized by disputes.
Table 4.6: Number of Land Disputes at District Land and Housing Tribunals

<table>
<thead>
<tr>
<th>Year</th>
<th>Disputes in the Tribunals (brought over and new)</th>
<th>Disputes cases decided upon</th>
<th>Undecided cases</th>
<th>carried over %</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006/07</td>
<td>10382</td>
<td>4180</td>
<td>6202</td>
<td>60%</td>
</tr>
<tr>
<td>2007/08</td>
<td>15,422</td>
<td>6770</td>
<td>8652</td>
<td>56%</td>
</tr>
</tbody>
</table>

Source: Ministry of Land Housing and Human Settlement Development Ministers Speech to Parliament, relevant by 2011

Figure 4.2: The Karema Village Land Tribunal in One of Its Session

Source: Field Data, 2013

Figure 4.2 indicates Karema Land Tribunal in one of its sessions. Most of the disputes especially those caused by double allocation have no solution which lead to the Citizen dissatisfaction. Land tribunal members are accused to be corrupt. In Table 4.6 for instance in 2006/07 a total of 10382 land disputes were filed at various district land tribunal and housing while in 2007/08 the number of cases filed shot to 15,422. The land tribunals are accused to have no binding decisions; also they are very few compared to the land disputes all over the country. Figure
4.4  Mandated bodies in Land Services Delivery

4.4.1 Tanzania Investment Center
In 1997, the government through the Tanzania Investment Act of 1997, Cap 38 established a centre known as the Tanzania Investment Centre (TIC). It is designated as a one-stop centre for investors and mandated to co-ordinate, encourage, promote and facilitate investment in Tanzania and to advise the government on issues relating to investment policy and related matters.

It identifies investment sites, estates, or land together with the related facilities found in such sites or land to facilitate investment in the country. It can assist investors, including those who are not bound by the provisions of the Investment Act, 1997 to obtain all the necessary permits, licenses, approvals, consents, authorization, registration and other required by the law. Additionally, the centre can help an investor to identify land of his choice or assist him to acquire land for investment purposes.

TIC approve investment projects and assist in acquisition of land by investors as it is stipulated by Sections 19 and 20 of the Land Act, Cap 113 that the rights of foreigners to occupy land in Tanzania under the Act include a right of occupancy for purposes of investment approved under the TIC Act of 1997; a derivative right for purposes of investment approved under the Tanzania Investment Act of 1997; or an interest in land under a partial transfer of interest by a citizen for purposes of investment approved under the TIC Act of 1997 in a joint venture to facilitate compliance with development conditions. The issue of assisting investors to acquire land has not always been smooth and has raised a number of concerns from the Citizens who are not happy with the laws procedures controlling land services.

4.4.2 Ministry of Land Housing and Human Settlements Development
The Ministry is mandated to facilitate an effective management of land and human Settlements development services for the betterment of social and economic well – being of the Tanzanian society. Its specific vision is becoming the guardian of secure
land tenure, decent housing and sustainable human settlements for socio-economic benefits. In attaining this vision the ministry is undertaking four core functions namely land delivery services, surveys and mapping, human settlement and housing development. Interns of the mission the ministry is supposed to create an enabling environment for efficient and effective land delivery, housing and human settlements development services for customers’ socio-economic development.

However the study has noted that the ministry is recognized by the general public as one of the area where there are no integrity and corruption is prevalent”. It has been noted that as a result of rampant corruption, the land sector has not been able to render prompt and efficient services to the general public” (PCCB2010 Kironde, J.M.L. 2006, and CHRAGG2008)

The study respondents argued that the MoLHHS in Tanzania is unable to supply land to those who wish to acquire it. The Citizens’ and Local authorities are requesting the Ministry of Lands to facilitate the capacity building of its officers and local authority manpower to improve performance of the land sector in Tanzania. The study has realized that the major outcries of the people in the country as it was presented by the respondents in the six villages are the shortage of village land. People are getting concerned that while the villagers have no land, the investors are keeping land idle.” The village land is allocated to commercial farmers with title deeds. It was explained that the population is increasing while their land and plots have squeezed up remains pieces of land for small scale/middle growers of maize and other food crops” (Shivji, I.G. 1993, Masinde, S.M. 2005). The finding indicate that the commercialization of Citizens farmers has caused serious problems in land allocation, unlawful eviction and unfair and delayed compensation as it is indicated in Table 4.7 bellow.
Table 4.7: Areas Affected by the Absence of Equity in Land Services Delivery

<table>
<thead>
<tr>
<th>Areas</th>
<th>Respondents</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land allocation</td>
<td>4</td>
<td>9.8</td>
</tr>
<tr>
<td>Compensation</td>
<td>5</td>
<td>12.2</td>
</tr>
<tr>
<td>Eviction</td>
<td>2</td>
<td>4.9</td>
</tr>
<tr>
<td>Land allocation, Compensation and Eviction</td>
<td>69</td>
<td>73.2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>80</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Source: Field Data, 2013

The MoLHHSD is mandated to enhance quality of public services delivery in land sector however the finding as it is shown in Table 4.7 above, the MoLHHSD services in land sector is very poor, characterized by corruption, nepotism and favoritism. Citizens have no security of their land tenure and are required to move out of the land allocated to investors in Tanzania. The study hypothesized that Compensation is directly related to laws and procedures in eviction and allocation of the land in Tanzania. The National Land Policy (1995) acknowledges that the existing law provisions on compensation eliminate certain items in the assessment of compensation. As a result according to various media, Citizens all over the country are complaining about compensation.

The laws are centered on their inability to solve inadequate rates and disregard for alternative assessment techniques during the valuation process. “Presently, in assessing the value of land and exhausted improvements for compensation purposes,” (Larsson, P. 2006); the law emphasizes that value should be determined by the price which the un exhausted improvements can fetch if sold in.

However, “there has been no surveying or registration of communal land areas in the visited village, where by areas as such as those for pastoralists and hunters and gatherers although plans to do so have been expressed now and again” (Matee, A.Z. & Shem, M.2005, Kipuri,N.& Sorense C,2008). Pastoralists have continued to go across the whole country or continue to have their land encroached upon, both
processes leading to regular conflicts. Many land disputes have been reported in rural areas where people are rushing to and grabbing the Citizens land with unfair or delayed compensation.

The Acts, No. 4 and 5 have stipulated how land transactions should take place. According to the Village Land Act, no land may be sold without the consent of the village assembly. Unfortunately many villagers are not aware of their rights, powers and responsibilities on village land management as conferred upon by the Village Land Act 1999. However the findings from the six villages indicate that village leaders are aware that the value of land has gone up in some villages in recent years; and hence there is an increase in land transactions. The land management decisions are not made in regards to the access, and use of land, and the way in which those decisions are executed. The findings show land services delivery is affected by land actors conflicting interests.

The Land Act No. 5. points out some land managerial problems such, corrupt village leaders, engage in illegal land transactions including direct sale and authorization of purchase or disposition of land without following the laid down procedures. From this point of view laws and procedures controlling land service delivery have proved failure. Equity in land sector in Tanzania like many African countries, the control over land rights is a means of accumulating and dispensing political and economic power and privilege through patronage, nepotism and corruption (Mukandala I.M. 2008, Silayo, E.H. 2004, Wily, A.L. 2003).

The role of the State is to manage land on behalf of the public interest. Its performance as land owner and regulator is critical to governance. It is important, that those institutions responsible for land governance operate in equity transparent, accountable and efficient manner. The study has learnt that where such institutions are decentralized (facilitating devolution of decision-making power and authority to local communities and other stakeholders in general), land resources are likely to be more productively used and better
4.5 Findings Discussion and Interpretation According To Objective and Hypothesis

This part deals with discussions of the findings obtained from the field. The reflection was on; objectives of the study which aimed at determining the factors influencing land compensation to the evicted citizens when they are required to move out of the land allocated to investors in Tanzania. The formulated hypothesis aided the study in obtaining various answers as far as the whole process of compensations of land rights vis-à-vis laws and procedures in eviction and land allocation is concerned.

4.5.1 Equity in Land Services Delivery

The study has observed that, the issue of equity in land services delivery is attained when all decisions made regarding to the access to land, eviction and compensation and land use, are implemented in a way that reflect all stakeholders interest. But before going further at looking at factors affecting equity in the whole issue of land allocation, eviction and compensation the study at first would like to indicate what other reports have stated as the main uses of land in Tanzania as follows;
Table 4.8: Main Land Uses in Tanzania

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Area (2002)</th>
<th>%</th>
<th>Basis for Land Use Categorization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Settlements, agriculture and mining</td>
<td>161,572</td>
<td>17</td>
<td>Dominated by high population densities, farming, livestock keeping, utilization of natural vegetation and mining</td>
</tr>
<tr>
<td>Scattered settlements, agriculture and mining</td>
<td>199,717</td>
<td>21</td>
<td>Low population density, low intensity of human activities such as farming, livestock keeping and utilization of natural vegetation</td>
</tr>
<tr>
<td>Grazing, hunting and non-woody product harvesting</td>
<td>98,289</td>
<td>10.3</td>
<td>Very low population densities but used for grazing, hunting or harvesting of non-woody products. These are mainly the GCAs</td>
</tr>
<tr>
<td>Woody and non-woody production</td>
<td>155,320</td>
<td>16.3</td>
<td>No permanent human settlements but used for harvesting of non-woody including ecological functions and woody products</td>
</tr>
<tr>
<td>Water resources uses</td>
<td>63,329</td>
<td>6.7</td>
<td>Fishing, transportation, water supply and conservation in different types of water bodies</td>
</tr>
<tr>
<td>Conservation</td>
<td>273,840</td>
<td>28.8</td>
<td>Protected areas including both wild life and forest areas</td>
</tr>
</tbody>
</table>

Source: Field Data, 2013

Reflecting table 4.8 above 17% of the area is used for settlements agriculture and mining and is dominated by high population densities, farming, livestock keeping, utilization of natural vegetation and mining. 21% is used for scattered settlements, agriculture and mining. 10.3% is used for grazing, hunting and non woody product harvesting while 16.3% is used for woody and non woody production. 6.7% is used for fishing, transportation, water supply and conservation in different types of water bodies while 28.8% covers a protected areas including both wildlife and forest areas.

The following are the values embodying Good governance in land sector

(i) When land administration systems:

When land administration systems are efficient, effective and competent, then work is accurate and timely, with inquiries being answered within a reasonable period. Work is undertaken by competent persons. Good governance is awarded. Ineffective professionals are disciplined or dismissed. But in Tanzania Work is delayed,
inquiries are neither answered nor is work not undertaken. No good governance. No discipline measures taken to unprofessional personnel and work. Land officials and mandated bodies in all levels are working unprofessionally.

(ii) Land policies:
When land policies that embody value judgments are endorsed by elected politicians after consultation with interested and affected parties, then land use plans are approved by democratically elected politicians after effective public consultation; but currently in Tanzania work is delayed, inquiries are neither answered nor is work not undertaken, no good governance, no discipline measures taken to unprofessional personnel and work. Land officials and mandated bodies in all levels are working unprofessionally.

(iii) Land information:
When land information is freely available subject to the protection of privacy, Land register information can be freely accessed (subject to privacy constraints). Prices paid for properties are available from the land registry; Land tax assessments can be inspected so that taxpayers can challenge the fairness of assessments Decisions on changes to land use are made in meetings that are open to the public and citizens can present arguments to the decision-makers. But currently in Tanzania No openness & information about land register and related issues can even take more than six month The Prices paid for properties in principle are set and available in land registry but in practical and procedural are not used. Properties are highly sold in Tanzania. There is no fairness in Land tax assessment, land valuation so that land owners and taxpayers can not challenge and ask about equity and openness Decisions on changes to land use at all levels especially at the village level are seldom made in meetings that are open to public and Citizens to present arguments to the decision makers.
(iv) When land laws and regulations:

(v) Land laws and regulations:

When land laws and regulations are freely available, well-drafted in a participatory transparent manner, responsive and consistent and able to be enforced by the government and citizens. Citizens can bring disputes before an independent and impartial judiciary that is supported as appropriate by technical experts. Laws are clear and consistent and translated into local languages. Alternative dispute resolution processes are available so that disputes can be settled by mediation and conciliation as an alternative to court actions. The decision of governments in areas such as land use planning, land taxation, and compulsory purchases can be challenged by citizens in the courts on points of law. Valuations used by governments for taxation and compulsory purchase can be challenged by citizens. But Land disputes especially land allocation and compensation at village and ward levels in Tanzania are facilitated by non lawyer’s personnel and un impartial individuals who are working on the basis of nepotism and corruption. Laws are not clear and consistent and are written in English language which is the third language and difficult to the majority Tanzanians. The Tanzania Land Act of 1999 section 4(4) state that all land in Tanzania, including village land, is a public land and is vested in the President as a trustee for land on the behalf of all the citizens. The decision of the government in areas such as land planning, land taxation, and compulsory purchases seldom can be challenged by Citizens anyhow.

(vi) Land administration agencies:

When land administration agencies are independently audited and publish their accounts and performance indicators, land administration agencies publish their accounts and key performance indicators which are independently audited. Government accounts are kept on an accrual basis. Professional bodies separate their promotional and disciplinary activities but what is happening in Tanzania is that, the public has no access to land administration agencies accounts and key performance indicators information as well as the government accounts. Professional bodies separate their promotional and disciplinary activities
(vii) **Land administration services:**

Land administration services are provided for all without discrimination eg on the basis of gender, ethnicity, religion, age, or political affiliation. Inheritance laws do not discriminate by gender. Information is accessible for all, including illiterate people. The land rights of minorities are protected by land registration. Indigenous rights to land are recognized. The cost of land registration is affordable. Registration does not require expensive services or examinations. But the inheritance laws do not discriminate by gender but the procedures are based on nepotism and corruption especially on land allocation and compensation. Information is not accessible for all especially illiterate people in rural areas and to the economic disadvantaged and marginalized persons. The land rights of minorities are violated by land registration. Their rights to own land is not recognized. Indigenous pastoralist, hunters and gatherers are facing forceful eviction without /with unfairly and delayed compensation. The cost of land registration is not affordable and the procedures are not equally provided to every Citizen.

(viii) **Sustainable land development:**

When sustainable land development is encouraged regulations to prevent unsustainable development are enforced.

(ix) **Land services**

Land services should be provided close to the user Land records can be accessed remotely using Internet technology. Service points are accessible for citizens who live far from the registry. But currently land records cannot be accessed through internee service not only in rural areas where there is no electricity and Internet services but also in urban areas where only few persons can access the Internet services.

(x) **Land registration and legal systems:**

Land registration and legal systems provide security of tenure for those with legitimate interest in a land parcel. Registered rights of people are legally protected against claims of others. Records can be altered only by authorized officials
According to a law-stipulated process. Back-up systems for land registration allow records to be recreated if destroyed by natural disasters or conflict. But registered rights of people in principles are legally protected however in practice law enforcers are alleged to have low integrity due to bribe and corruption which is unethical when it comes the question of equity in land allocation, eviction and compensation decisions Back-up systems for land registration are of low level of technology do not allow records to be recreated if destroyed by natural disasters or conflict especially from the district to village levels were land registration is done.

So the values mentioned above are embodying the issue of equity in land services delivery. Once such values of good governance are accounted for, the results are clear as explained above. However in Tanzania, the study has discovered that in most cases the opposite is what takes place. As a result the whole issue of equity in land tenure and administration is encumbered by chaos. Equity in land allocation in Tanzania so to say is hampered by the failing to adhere to the values and principles of good governance in land sector.

4.5.2 The Examination of Good governance in Land Services Delivery in Tanzania

On the process of digging deep towards the findings, the study had to evaluate what surrounds the whole issue of good governance in land tenure and land administration in Tanzania. The study discovered that according to FAO’s 2007 guidelines on good governance in land tenure and administration, Tanzania is missing the values which symbolize good governance towards the same. Table 6 below gave the study some ideas on what to look at when examining equity on land sector and related activities.

4.5.3 Factors Affecting Equity in Land Services delivery in Tanzania

Reflecting the actual practice in Tanzania concerning equity in land tenure and use shown above under Part 4.2.2, the study further sought to reveal the factors that culminate to such indicated encumbrances. Table 4.9 below covers in width such factors;
Table 4.9: Factors Affecting Equity in Land Services Delivery in Tanzania

<table>
<thead>
<tr>
<th>Factors</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>No fairness and Justice in land allocation eviction and compensation</td>
<td>1</td>
<td>2.4</td>
</tr>
<tr>
<td>Corruption</td>
<td>3</td>
<td>7.3</td>
</tr>
<tr>
<td>Loop holes in existing laws governing land activities</td>
<td>3</td>
<td>7.3</td>
</tr>
<tr>
<td>planning in land and land administration</td>
<td>8</td>
<td>14.6</td>
</tr>
<tr>
<td>Contravention of good governance corruption, absence of equity &amp; integrity in land sector</td>
<td>51</td>
<td>43.9</td>
</tr>
<tr>
<td>I don’t know</td>
<td>2</td>
<td>4.9</td>
</tr>
<tr>
<td>Lack of accountability and nepotism</td>
<td>2</td>
<td>4.9</td>
</tr>
<tr>
<td>Double allocation due to favoritism corruption &amp; nepotism among mandated bodies to deal with land issues</td>
<td>8</td>
<td>14.6</td>
</tr>
<tr>
<td>Total</td>
<td>80</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: Field Data, 2012

Reflecting the Table 4.9 above, 2.4% of the respondents said that equity in land services delivery in Tanzania is affected by lack of fairness in land allocation, eviction and compensation. 7.3% mentioned corruption, 7.3% loop holes in the existing land laws and 14.6 of the respondents respectively mentioned double allocation due to corruption, favoritism and nepotism among land services delivery mandated bodies in existing laws and poor planning in land and land administration as factors affecting equity in land sector in Tanzania. 43.9% mentioned contravention of good governance and absence of integrity, 4.9 mentioned lack of accountability and nepotism. 14% of the respondents said double allocation due to corruption by mandated bodies is one of the factors that affect land sector in the country while 4.9% of the respondents said they didn’t know. The following are details on the respondents in relation to what they have said; Once again the contravention of principles of good governance in land sector has mentioned as a big obstacle in attaining the equity in land allocation in the country.
4.5.4 Fairness and Justice in Land Allocation Eviction and Compensation

The primary and secondary data indicated that Tanzania has malpractice in land allocation, eviction and compensation and related issues. In Mpanda district, for example the government was alleged to grab the Citizens’ land to build the Katavi regional administration offices, filling station, and airport. While at Dumila Village in Kilosa district the playgrounds, market place, and bus stand plots are now allocated to private individuals’ settlements, which are given title deeds. These complaints are the indications that sometimes procedures which are used to acquire land by government are unfair.

4.5.5 Loop Holes in Existing Laws Governing Land Activities

Tanzania land laws has loopholes which has been causing a lot of problems and confusion in land services delivery such implementing unlawful eviction when the evicted citizens are required to move out of the land taken by the government and allocated to investors. In all visited districts people were bitterly complaining about the unlawful and forceful eviction which has been causing the damage of Citizens properties and violating their right to land ownership. “The procedures used in evicting the citizens have been contravening the principles of good governance simply because are involving corruption, malpractice and lack of integrity among the government officials, Land officers and village leaders’” (CHRAGG 2008, LHRC 2010).

The study observed that the Tanzania Land Act of 1999, Section4(4) states that all land in Tanzania, including village land, is a public land and is vested in the President as a trustee for land on the behalf of all the citizens. This then follows that the decision of the government in areas such as land planning, land taxation, and compulsory purchases seldom can be challenged by citizens anyhow. The citizens in the visited villages were complaining that they don’t understanding the existing land laws simply because they are written in English language which to the majority Tanzanians is the THIRD language. The government hasn’t translated them to be user friendly and the government and CSOs have never conducted the public awareness campaigns to make those land laws familiar to all Citizens. This has been
accelerating endless land disputes due to the fact that bogus investors and corrupt land officers have been using this loop hole to grab the citizen’s land.

4.5.6 Planning in Land and Land Administration

In observing equity in land allocation, lawful eviction and timely and fair compensation, “land planning involves many actors to manage a complex land uses like forestlands, farming & grazing lands wetlands and wildlife areas, land valuers and land surveyors” (NLUPC Act No, 3 of 1984, Kamala O. K 2006) This will resolve all unnecessary land conflicts simply because it allows fairness and justice through calling upon the participation of all land stakeholders in planning and management.

The Citizens in visited villages such as Chakwale, Dumila, Ruaha, Kapalamsenga, Karema and Mapinga were complaining about acquiring land and living in unsurveyed plots. The villagers argued that their plots have demarcation boundaries which do not guarantee proof of security of tenure. The common errors in demarcation boundaries are that are un-professionally fixed are just marks and are not legally surveyed.

The study has observed that land planning and land administration in equity in land allocation in Tanzania is characterized by “Shortage of skilled manpower, modern equipment and outdated technology which are main problems that have maintained to inability to supply land to the applicants delays in land planning, land survey, land valuation, land allocation, Compensation and approval of plans” (Masinde, S.M. 2005, Isaksson, R and Sigte, 2009).

The study also learnt that land administration is a public good that needs to be accessible and affordable to all. This is simply because, “rights over land cannot be separated from civil, political and human rights, and are dependent on political, administrative and professional readiness to ensure fair treatment and equal opportunities for all” (Rutaitika, D. 2008, Anzela, A.&at el . 2007) Land administration is attained when there is equity in land services delivery where by all
decisions made regarding to the access to land, eviction and compensation and land use, the manner in which those decisions are implemented, and the way that conflicting interests in land are reconciled should reflect all stakeholders interest. The study has observed that to enhance land use planning, laws should be a product of the public participation. “The Citizens interests should be fully covered in land laws and policies to allow the equity in land allocation and acquisition, land eviction process and compensation” (SHIVJI, ISSA G. 1993). Equity in Land administration and land use management need to be free from corruption and favouritism where the following factors are to be considered:

4.5.7 **Planning.**
In observing equity in land allocation, lawful eviction and timely and fair compensation land planning need to be a multidisciplinary activity. According to national planning Commission, “land planning involves many actors to manage a complex land uses like forestlands, farming& grazing lands wetlands and wildlife areas, land valuers and land surveyors” (NLUPC Act No, 3 of 1984, Kamala O. K 2006) This will resolve all unnecessary land conflicts simply because it allows fairness and justice through calling upon the participation of all land stakeholders in planning and management. However the findings from the visited villages denoted that Citizens were not involved in land planning. The task has been undertaken by corrupt village leaders at the village level and politicians and land officers at the district level. There is no equity at all in land planning and administration.

4.5.8 **Land Survey; Land Survey Ordinance of 1957**
The Citizens in all the visited villages of Chakwale, Dumila, Ruaha, Kapalamsenga, Karema and Mapinga are complaining about acquiring land and living in un surveyed plots. The villagers argued that their plots have demarcation boundaries which do not guarantee proof of security of tenure. The common errors in demarcation boundaries are that are un-professionally fixed are just marks and are not legally surveyed. The Survey Ordinance Cap 390 provides for land surveys and licensing of land and a certificate of right of occupancy. A certificate of right of occupancy must always have a survey plan of the piece of land in question included.
in the title, while most of the lands are not properly surveyed, they are only demarcated. During the interview the Citizens were accusing land officers for having unprofessional and poor quality of methods of monitoring land surveying for land use changes especially from one land use to other competing uses particularly agricultural land use. The Citizens complained that there is no transparent service Charge mechanism”. Survey officials demand payment for services they offer while in fact all such dues are paid in full when one processes the letter of offer. Extreme red Kironde M, 2006, PCCB 2005)

4.5.9 Land Valuation
Land markets are subject to some degree of government control and guidance in almost all countries. “In Tanzania however, there are fragmented regulations to regulate valuation of landed property and natural resources” (Anzela, A., Hot-Oswin & at el,). This creates loopholes for injustice and unfair to the general public. “Land valuation is very expensive it needs a lot of money but the valuation considers the existing laws, and procedures to effect the prompt compensation with reflect the existing market price” (Lyoba, H.M. 2007, UNRISD 2001).

4.6 Double Allocation due to, Favoritism, Corruption & Nepotism
The land sector in Tanzania has been experiencing the problem of double allocation. This happens when one plot of land is allocated to more than one person. A thoroughly study of various documents and findings from the field have indicated that this is all among other things due to corruption. Land officers and government officers who are dealing with land services delivery have been breaching the laid down land allocation, eviction and compensation procedures and rules. Most of the complainants have been reported in all districts where this study on equity in land allocation in Tanzania was carried out. Various studies which have been done revealed that “district land officers who are always competitive over land acquisition and allocate the plots by using corrupt means” (CHRAGG 2011, PCCB2005, KIRONDE, M 2006, HAKIARDHI2010).
4.7  Legal and Institutional Framework In Relation to Equity in Land Allocation

The study was able to notice that even though both the Land Act 1999 and the Village Land Act 1999 provide a framework of which the rights held by individuals and groups in rural and urban areas are acknowledged under the constitution or by customary tenure system, the procedures for the founding and managing of group land rights in rural areas, particularly those of pastoralists and hunters and gatherers are vague or non-existent. (PINGO2011).

The study shows that despite of the presence of legal framework controlling land issues such surveying and registration, valuation, allocation, and offering the title deeds, the majority Tanzanians almost 90% lack formal security, only 2% of rural land is held under statutory tenure meanwhile 80% in urban areas are held informally without any formal title. (Kironde LJM 2009, HAKIARDHI 2010). This was narrated in all six villages during the data collection process. The National Land Policy 1995 acknowledges that the existing law provisions on compensation exclude certain items or qualities in the assessment of compensation as a result, complaints on compensation are centred on inadequate rates and disregard for alternative assessment techniques, unfair and unfair or delayed compensation. But before going any further in examining the Legal and Institutional Framework affecting issues of equity in land allocation in Tanzania, the study firstly came up with the list of the bodies or institutions mandated with land services delivery to the citizens all over the country as shown in the Table 4.10 below;

<table>
<thead>
<tr>
<th>Body</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village council</td>
<td>1</td>
<td>2.4</td>
</tr>
<tr>
<td>Land Tribunals and Courts</td>
<td>1</td>
<td>2.4</td>
</tr>
<tr>
<td>District land officers</td>
<td>1</td>
<td>2.4</td>
</tr>
<tr>
<td>Ministry of land and settlement and TIC</td>
<td>77</td>
<td>92.8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>80</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

**Source:** Field Data, 2011
Reflecting on the Table 4.10 above, The MoLHHS and TIC are leading body in affecting the Citizens in land services acquisition. In accordance with the above mentioned bodies, the study had a detailed analysis to give on the following bodies after satisfying itself, via the available data, that they play much a cute role as far as the study at hand is concerned;

4.8 Mandated Bodies in Land Services Delivery

4.8.1 Tanzania Investment Centre
The Tanzania Investment Centre (TIC) was established and designated as a one-stop centre for investors and was mandated to co-ordinate, encourage, promote and facilitate investment in Tanzania and to advise the government on issues relating to investment policy and related matters. However, the study has revealed that TIC has no branch offices in district levels where the majority Citizens land and plots are grabbed by bogus investors. TIC as a body and enforcer of the existing land laws has issuing necessary permits such as investment licenses, approvals, consents, authorization and registration relaying on the information provided by investors.

According to (Land Act 199) since both lands are under different authorities, the issue of having unclear boundaries has always raised conflicts in matters involving land allocation to indigenous or investors by either village district or ward authorities. The study observed that unclear boundaries has been contributing to land disputes when it comes to the question of equity in land allocation and eviction simply because there will be a confusion of which authority is responsible to executive its mandated role and function. However due to the fact that TIC is only based in Dar es salaam and has no branches at the district level, the available data indicates that in the past five years, 2006-2011 TIC has approved a total of 5436.02 Hectors (TICC/MSO/10/41) which was issued on 4th April, 2012.

This is not true because what is happening is contrarily to this figure. In Mpanda district at Karema village for instance the study observed learnt that the citizens are not content with Roman Catholic Church for owning more than 3000 hectors leaving
the majority Citizens with pieces of lands. TIC is not well informed on what is going on in land services delivery in Tanzania. This framework nevertheless, does not provide tools that may be valuable in managing and mitigating conflict. The legal framework is favoring urban areas and the investors without providing a clear rural areas land tenure security mechanism.

4.8.2 Land Tribunals and Courts

Land tribunals from the village to the district level and high Court of Tanzania are mandated by the existing laws such as village land act 1999,Land Act 1999 to facilitate land allocation, eviction and compensations conflicts and other land related issues.

The study has learnt that the presence or absence of the land tribunal is a problem simply because Tribunals have been accelerating the occurrence and the persistence of land disputes. Apart from the fact that neither lawyers nor paralegal at the village to the ward levels don’t have terms of reference. The study also learnt that members of Land tribunals are also involved in land grabbing. Citizens have lost trust in them. In places where there are no land disputes Citizens are confused. They have no choice simply because the existing laws want them to channel their disputes through tribunals and not otherwise.

Table 4.11: Number of Land Disputes at District Land and Housing Tribunals

<table>
<thead>
<tr>
<th>Year</th>
<th>Disputes in the Tribunals (brought over and new)</th>
<th>Disputes cases decided upon</th>
<th>Dispute cases carried over</th>
<th>% carried over</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006/07</td>
<td>10382</td>
<td>4180</td>
<td>6202</td>
<td>60%</td>
</tr>
<tr>
<td>2007/08</td>
<td>15,422</td>
<td>6770</td>
<td>8652</td>
<td>56%</td>
</tr>
</tbody>
</table>

Source: Ministry of Land Housing and Human Settlement Development Ministers Speech to Parliament, relevant by 201
Table 4.11 is indicating number of land Tribunal cases carried over is an indication that cases filed at various Land Tribunal in the Country do not get a solution. Conflicts resolution needs to bring the two parties on the table rather than taking them in the court of law.

4.8.3 Ministry of Land Housing and Human Settlement Development

The MoLHHSD is mandated to coordinate the Land policy, Land Development, Human Settlements Development, Surveys, Valuation, Sites and Services, Land Registration of Documents and Chattels Transfer. Also the ministry is supposed to formulation and implements research, urban and physical structure policy, town planning, master plans, designing, drawing maps and regional Physical Planning. These functions are complimenting the MoLHHSD’s vision which is to have excellent land services delivery and a multipurpose cadastral information system for sustainable economic development. However the MoLHHSD and TIC are leading bodies in affecting land services delivery in the country as it is indicated in Table 4.10

4.9 A List of Laws Affecting the Issues of Equity in Land Allocation in Tanzania

Below is the list of analyzed pieces of legislations that the study listed as having an inevitable effect when it comes to issues of land and the observation of equity in land allocation, eviction and compensation on land rights in the country;

4.9.1 The National Land Policy 1995

The aim of the policy is to promote equitable distribution and access to land by both citizens. To ensure existing rights in land especially customary rights are recognized and secured in law. Set ceiling on land to control grabbing. Ensure land is productively used, improve the efficiency of land delivery systems, and improve the institutional set up of land administration and adjudication. The policy has elaborated statements on issues of land tenure, gender, access/ownership, constitutionality, compensation, disputes settlement etc.
4.9.2 **The Land Act and the Village Land Act, 1999**

These were enacted by the Parliament of the URT as a response to the National Land Policy 1995. Section 3(1) of these Acts entails the fundamental principles of the Land Policy with the objective of promoting the Land Acts in which the land administrators have to adhere to. The policy includes, among others: to provide for any efficient, effective, economical and transparent system of land administration; and to enable all citizen to participate in decision making on matters connected to their occupation or use of land. And to pay fair and prompt compensation to any person whose right of occupancy is revoked or interfered with to their detriment.

The Acts also recognise reserved land as all land set aside for special purpose (forest reserve, game parks and reserves), land reserved for highways and public utilities, land designated under Town and Country Planning and hazardous land.

4.9.3 **The Government (District Authorities) Act, 1982**

This Act under Section 22 is vested with powers to register villages via the registrar who is appointed under Section 23 of the same Act. The major link of the Act with the subject at hand lies under Section 114, which confers powers to the local government authority to acquire any land or right over or the use of any land, within or outside its area of jurisdiction, for purposes of any of its functions. The Act also states the ways of paying compensation incurred as the result of land acquisition by the local government authority.

4.9.4 **The Land Acquisition Act, 1967**

This Act confers powers to the president of the United Republic of Tanzania to acquire land for public purpose. Such includes exclusive government use, sites for industries, reclamations, laying out of a new city, development of a new airfield, for issues connected with minerals or mining oil, and for the use of a corporate or corporation within the city. The Act also establishes the responsibility of the government to pay compensation to the citizens whose rights of occupancy have been tempered with in the whole process of acquiring land by the president. The Act states the criteria for compensation and assessment of the compensation.
4.9.5 The Tanzania Investment Act, 1997
Under this Act, the Tanzania Investment Centre was established. Among a number of functions, the centre identifies investment sites and land to facilitate investment in the country. It can assist investors, including those who are not bound by the provisions of the Investment Act, to obtain all the necessary permits, licenses, approvals, consents, authorization, registration and other required by the law and approves investment projects and assist acquisition of land by investors.

4.9.6 Land Compensation Claims Regulations (GN 79/2001)
The Regulations provide the breadth of application as being to all applications or claims for compensation against the Government or local government authority, any public body or institution under the Act. The categories of persons who can apply for compensation as under these regulations are identified and discussed in depth.

4.10 Discussion of Findings Concerning the Actual Practices with References to the Laws
Under this part the study was able to show that what is indicated in most of the legislations is not what is taking place when it comes to the actual realization of the same. Responses were obtained from the interviews conducted in Kapalamsenga, Karema in Mpanda, Mapinga village in Coast region and Chakwele, Dumila and Ruaha villages in Kilosa district as well as secondary data from various documents both seconded these findings. The followings are details on the respondents as well as findings from the secondary data concerning the mentioned pieces of legislations and the actual practices of the same:

4.10.1 Compensation is not related to Laws and Procedures in Eviction and Land Allocation
The findings revealed that compensation and eviction are facilitated by the acquisition Act which also provides a room for contemplation of other appropriate principles which are not conflicting with its provisions on assessment of compensation. This gives an opportunity for observation of the sections of the Land Act that touch the compensation.
The assessment of compensation for land acquired must base on, “Market value of the real property; (ii) disturbance allowance (iii) transport allowance; (iv) loss of profits or accommodation, (v) cost of acquiring or getting the land; (vi) any other loss or capital expenditure incurred to the development of the land” (Section 3(1) (g) Land Act1999).

However in Tanzania compensation is not reflecting the market price or value, the disturbance encountered, transport allowance, loss of profit or accommodation, cost of acquiring or getting the land and any other loss or capital expenditure incurred to the development of the land simply because the existing laws controlling compensation are not clear to the general public. The land laws give a room or a loopholes to the land buyers or investors to decide when and how to pay the compensation. As a result woes regarding to the reception of compensations by the evicted citizens never end.

4.10.2 Lack of Timely and Fair Compensation

The table 4.12 below reflects on the respondent’s views that compensation in cases of land eviction is normally paid to them late and under unfair terms. Apart from commenting on various factors, the largest percentages of the respondents (82.9%) were certain that untimely and unfair compensation is due to corruption, conflict laws and bogus contracts.

<table>
<thead>
<tr>
<th>Factors</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corruption</td>
<td>2</td>
<td>4.9</td>
</tr>
<tr>
<td>Conflicting and loopholes in existing laws and procedures</td>
<td>3</td>
<td>7.3</td>
</tr>
<tr>
<td>Bogus contracts issued to investors</td>
<td>1</td>
<td>2.4</td>
</tr>
<tr>
<td>Corruption, land laws and bogus contracts</td>
<td>73</td>
<td>82.9</td>
</tr>
<tr>
<td>I don’t know</td>
<td>1</td>
<td>2.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>80</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

**Source:** Field Data, 2013
Table 4.12 above gives the actual practice on land compensation. The study learnt that compensation is affected by Corruption, land laws and bogus contracts. The Citizens in Kilosa district for instance are accusing the District Land Department, Tanzania Electricity Supply Company and the Ministry of Land and human Settlement development for unfair and delayed compensation for their plots taken by investors and the government use. It was found that Tanzania Electrical Supply Company (TANESCO) evicted them from their own land whereby crops and trees were cut down to allow a new power supply plant and the WWF environmental conservation project in 2007. It was reported that since 2007 to 2011 only one person was compensated out of unspecified number of villagers.

4.10.3 Procedures Used in Evicting Citizens From Their Are In Most Cases Inappropriate

The study noted a provision from a piece of legislation which states, “Under the present land laws, there are no restrictions on access to land in the country. Any person, citizen or foreigner, can apply and be allocated land for any type of use” (Land Act 1999). This provision has been facilitating the acquisition of land for speculative purposes, especially in leading agricultural, industrial, commercial and residential areas. Both the primary and secondary data proved that the said has created a serious problem where one person can own a big land while the majorities Citizens facing a land shortage which eventually turn into land disputes once the Citizens decide to grab land.

At Chakwale village, in Kilosa district, for example, citizens said that the village council for their own interests misused their powers and allocated 2,000 acres of village land to local investor on the ground that he promised to provide social services like building schools, dispensary and water. The promises were not yet fulfilled by the time the interview was conducted. The same case was reported at Mapinga village in Bagamoyo district and Karema village in Mpanda district local investors were allocated more than 3000 acres almost 20 years now and nothing has been done with such big land while the Citizens have no land for their survival.
4.10.4 Loopholes in the Existing Pieces of Legislations

The current legal framework and judiciary system in the country has no specific designed compensation mechanism, equity in land compensation like in eviction and allocation is a phenomenon which does not conform to the existing land laws. The citizens therefore want a Compensation of Land Rights which is a cardinal principle of law that a person is entitled to own property and to the protection of the same in accordance with the law. The amount of compensation has to be fair, timely and commensurate to the property.
CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 Conclusions

This study provides concluding remarks on observations made on factors influencing land compensation to the evicted citizens when they are required to move out of the land allocated to investors in Tanzania. The following conclusions can be drawn basing on the study findings;

(i) Despite of various laws enacted to govern land services delivery in the country since Pre-colonial to date laws and procedures bears contradictions and many loopholes which in most cases prove to favor the foreign investors and become detrimental to the indigenous.

(ii) Legal, institutional framework and mandated bodies in land services delivery have seen to fail to cater the unlawful eviction, injustice compensation problems in land sector. The laws governing land allocation especially to the investors in the country bears contradictions and many loopholes in land services delivery which in most cases proved to be detrimental to the indigenous.

(iii) Despite the efforts which have been done in promoting good governance in land services delivery, are surrounded by nepotism, favoritism, bureaucratic procedures, unprofessional land planning and administration and corruption which impede the achievement of equity in land sector.

(iv) The study discovered that, land officers and government officers responsible for land services delivery have been practicing double allocation; signing bogus investments contracts which take away chances for the observation of equity in land services delivery in the country.
The study learnt that CSOs and other stakeholders are not fully incorporated in land services delivery in Tanzania. The government is doing almost everything except land survey and valuation services where few CSOs are registered and allowed to supply these services though it is very expensive to hire them and their concentration is in urban areas. Land conflicts and disputes Solutions are sought in the judicial system interest parties are not getting on the table to resolve the disputes.

5.2 Recommendations

As it has been highlighted in the whole study, there are some areas which need to be acted upon, especially in the issue of lack of equity in land sector in Tanzania, poor land planning, loop holes in existing laws and procedures governing land delivery services, nepotism, corruption, bureaucracy, lack of funds and unprofessional in land services delivery among the mandated bodies which are Ministry of Land Housing and Human Settlement Development, Tanzania Investment Centre, and Land Tribunals and Court. If the management will work on the above mentioned problems, there will be no equity in land allocation in Tanzania. The government therefore should:

(i) Introduce alternatives to compulsory purchase. And hence enable investors to negotiate with land owners. This will attend well the problem of untimely compensation of land rights.

(ii) Establish Land banking in land acquisition and owning both in the rural areas and towns to skip the prolonged procedures to be followed in cases of compensation as this institution will be one with sole responsibility to compensate the indigenous land rights in cases of land acquisitions for foreign investors and government projects.

(iii) Promote and practice good governance among land officers, government politicians and village leaders in land sector to observe equity in land allocation eviction and compensation.
(iv) Establish a coordination unit between district executives and the Commissioner for land when marking village land for other socio-economic uses. This will help to a large extent in doing away with problems of double allocation of land.

(v) Review the existing laws and regulations controlling commercialization of land to open up opportunities to the Citizens to enable them owning land.

(vi) Streamline its land tenure planning, valuation survey registration, transfer, taxation, urban land use regulations, land acquisition policies, and development.

(vii) Conduct public awareness campaigns on the existing major pieces of legislation governing land dispositions such as The Land Act and The Village Land Act should be provided to reach the poor Citizens.
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The Village Land Act, 1999
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APPENDICES

INTERVIEW RESEARCH QUESTIONS

SECTION A: GENERAL QUESTIONS:
Date of Interview: ____________________________________________
Village: __________________________________________________
Name of Respondent: ________________________ (It is not necessary to appear)
Gender ___________ Age ___________ (Indicate: Adult, Youth, Aged Person)
Occupation ________________________ (Indicate: Employee, Farmer, Business, Others)

SECTION B: SPECIFIC INFORMATION ON EQUITY IN LAND ALLOCATION IN TANZANIA
1. Does your village observing equity in Land issues?
   (i) Yes ( )
   (ii) No ( )
   (iii) I don’t know ( )

2. If No, which area is mostly affected?
   (i) Land allocation ( )
   (ii) Compensation ( )
   (iii) Eviction ( )
   (iv) All of the concerned ( )

3. Who/which body is facilitating land allocation in your village?
   (i) Village Council ( )
   (ii) Village executives/Leaders ( )
   (iii) District Land Officers ( )
   (iv) I don’t know ( )
4. Which factors are hindering equity in land allocation in your village?
   (i) Corruption, nepotism and unethical land personnel ( )
   (ii) Poor land administration, planning and double allocation ( )
   (iii) Loop holes and conflicting of the existing law ( )
   (iv) Number A-C ( )
   (v) I don’t know ( )

5. Does land Compensation is fairly and timely paid?
   (i) Yes ( )
   (ii) No ( )
   (iii) I don’t know ( )

6. If Qn: No. 5 the answer is No what is happening in land compensation in your village?
   (i) There is unfair and delayed compensation ( )
   (ii) No compensation is given ( )
   (iii) Number A-B are all concerned ( )
   (iv) I don’t know ( )

7. From your experience that is responsible in compensating the land taken for other uses?
   (i) The Government ( )
   (ii) The buyers of the land ( )
   (iii) Number A-B are all concerned ( )
   (iv) I don’t know ( )

8. What is affecting timely and fair land compensation in your area?
   (i) Corruption ( )
   (ii) Conflicting and loop holes in existing laws and procedures ( )
   (iii) Bogus contracts issued to investors ( )
   (iv) Number A-C are all concerned ( )
   (v) I don’t know ( )
9. Does land allocation, compensation and eviction conducted transparently and lawfully in your village?
   (i) Yes (    )
   (ii) No (    )
   (iii) I don’t know (    )

10. Which body/bodies in land issues are regularly affect you most
    (i) Village council (    )
    (ii) Land Tribunals (    )
    (iii) District Land office, (    )
    (iv) Ministry of land housing and settlement and Tanzania Investment Centre (    )
    (v) Number A-D are all concerned (    )
    (vi) I don’t know (    )

11. Which factors affecting equity in land allocation, eviction and compensation in your area?
    ___________________________________________________________________
    ___________________________________________________________________
    ___________________________________________________________________

12. Suggest what should be done to effect equity in land allocation, eviction and compensation in Tanzania?
    ___________________________________________________________________
    ___________________________________________________________________
    ___________________________________________________________________