

**LAND USE CONFLICTS AND LIVELIHOODS OF SMALLHOLDER
FARMERS IN ULANGA DISTRICT**

By

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**A Dissertation Submitted in Partial Fulfilment of the Requirements for
Award of the Degree of Master of Science in Development Policy (MSc. DP) of
Mzumbe University**

2013

CERTIFICATION

We, the undersigned, certify that we have read and hereby recommend for acceptance by the Mzumbe University, a dissertation entitled, **Land use Conflicts and Livelihoods of Smallholder Farmers in Ulanga District** in partial fulfilment of the requirements for award of the degree of Master of Development Policy of Mzumbe University.

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DEDICATION

This work is dedicated to my beloved father Mr. Clemence Michael Maksi and my mother Agness Raphael Nyakota whom together laid the foundation of my education. I also dedicate this work to my lovely son Henry Deogratias, my brothers and sisters who encouraged me during the study.

LIST OF ABBREVIATIONS

AU	African Union
DLHT	District Land and Housing Tribunal
GDP	Growth Domestic Product
GOT	Government of Tanzania
KVTC	Kilombero Valley Teak Company
LRC	Legal Resource Centre
NLP	National Land Policy
NAFCO	National Agricultural and Food Corporation
NARCO	National Ranching Company
NGO	Non- Governmental Organization
SPILL	Strategic Plan for the Implementation of the Land
SPSS	Statistical Packages for Social Sciences
TAMWA	Tanzania Media Women Association
TAWLA	Tanzania Women Lawyers Association
UN	United Nations
URT	United Republic of Tanzania
VLC	Village Land Council
WT	Ward Tribunal

ABSTRACT

Land is increasingly becoming a source of conflicts in Tanzania and Africa at large, where land access had traditionally been characterized as relatively unrestricted. The main objective of the study was to examine how smallholder farmers' livelihoods are affected by land use conflicts. Subsequently, there were four specific objectives, to examine land administration system in Tanzania, especially land registration processes on how it affects rural smallholder farmers, to examine the state of land ownership in Ulanga district, to examine the causes for land use conflicts in Ulanga district and to examine the weaknesses of legal institutions for the persistence of the land use conflicts at Ulanga district. Primary data were collected from 120 smallholding farmers from 3 wards 2 villages from each ward.

The study findings show that land administration system in Tanzania affects land registration process especially in rural areas due to the fact that most of the rural people failed to afford expenses. Also study findings reveal that most of the rural small farmers possess land through inheritance and customary rights. Moreover findings show that some of the underlying factors for land conflict are like, lack of clear demarcations, lack of land title deed, population pressure and agricultural commercialization. It seems that in Tanzania formal institutions for land administration are often simply superimposed on traditional structures without a clear delineation of responsibilities and competencies, implying that they lack both outreach and social legitimacy.

It is thus concluded that land issue has a strong touch on a wide range of issues in different thematic areas. It is a cross cutting issue and touches all aspects of social, economic and political activities in rural areas. Therefore land use conflicts may affect the all sectors and live hoods of the natives of a specific area and Tanzania in general.

It is recommended that there is a need of having strong legal management machinery which dealing with land management in the country. Also raising awareness on land rights is a crucial thing in land ownership. Furthermore the least there is a need to encourage land registration to the rural people. This service should be allocated in rural areas where most land conflicts occur.

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CHAPTER ONE

1.0 Introduction

This chapter covers background information to the problem which includes statement of the problem, objective of the study which comprises general objectives of the study and specific objectives of the study, significance of the study, limitations and organization of the study.

1.1 Background Information

Land is a primary asset which has a great role for survival and development and largely plays the role of poverty reduction in Africa and other parts in the world whereby, it supports the livelihoods of most rural households through agriculture. The contribution of the agricultural sector to GDP in most sub-Saharan countries exceeds 25%. Therefore, land remains the most important factor in development in Africa (Kironde, 2009). Land lies at the heart of social, political and economic life in most of Africa. Land and other natural resources are key assets for economic growth and development. Agriculture, natural resource use and other land-based activities are key to livelihoods, income and employment of the majority of Africans, and land is the basis of shelter in urban and rural areas (AU, 2006).

Land is a natural resource that hosts and sustains all living things, namely plants, animals and man. It is a fixed socio-economic asset that aids production of goods and services and hosts virtually all activities that take place on earth. The nature of land and types of its components dictate what must exist on it (Magel, 2001). To an extent, land influences climate and dictates lifestyles of settlers on it cut across the globe. Land host houses and towns where origin of a man is traced. This is because all communities are located on land and their territories are defined by it. In another dimension, the sovereignty of a kingdom is a function of the area of land it occupies. This is an indication that territorial defense is with the purpose of securing or retaining certain piece of land.

Poor people's most valuable resource is land upon which they continued existence and progress depends on (Dale *et al.* 1988). Competing demands can stimulate disagreements especially when the object contested for and the parties involved

belong to different groups and have different interests (Wehrmann,2008). These demands over natural resources often lead directly to conflicts (Huggins, 2000). Prolonged conflicts and disputes therefore have negative impacts from a number of perspectives; economic, social, spatial as well as ecological development (Hoffman, 2003).

There are indications that man's complex socio-economic, cultural and physical attachments to land have placed land in a sensitive and unique position. Conflict interests among communities to secure territories, conserve socio-economic resources and carry out physical development activities and practice customs and traditions on land have given birth to untold crises over the ages (Abegunde, 2010). In another dimension, these have resulted in conflicts that have affected millions of people and resulted in lost opportunities in terms of social disorder, economic depression and destruction of housing and basic infrastructure in the physical development of communities. In another dimension, all types of conflicts on land entail significant private and social costs in human environment (Justino, 2004).

The importance of land in Africa is multifaceted, being at the heart of social, political and economic life of its people. Besides its economic attributes, land continues to have great social value as a place of settlement, providing a location within which people live and to which they return. Increasing agricultural productivity; promoting private sector investments especially through private ownership of assets such as land attracting direct foreign investment; ensuring environmental sustainability; achieving social security and promoting gender equity with regards to access to land; reconciling conflicting claims to land and strengthening institutional development land related issues.

Land use conflicts are common phenomena in Africa and the world at large which have negative impacts to most of smallholder farmers in rural areas. One major reason before going to specific cases hinges on the fact that land does not expand while people and other living organizations that depend on it keeps on increasing on the early surface. This unmatching ratio between land as basic resources for livelihoods and its users constantly results into land use conflicts. In Africa and other parts of the world, land use conflicts can be understood by placing them within

the context of history, social relations and the process of commoditization of natural resources such as land and land based resources.

In many countries, indigenous people have been dispossessed or live at risk of being dispossessed due to either failure to recognize their rights to land or invalidation of those rights by the state, or through expropriation or privatization of their lands by the state (UN-HABITAT/OHCHR, 2005). In countries where part of the population often indigenous people – have historically been deprived of their land rights, more serious conflicts can arise even decades or generations later. Guatemala provides such a case. In 1879, communal lands were de facto expropriated by a law giving proprietors three months to register land titles, after which the land would be declared abandoned. Most of the “abandoned” land was then allocated to large coffee growers. Although there were attempts at redistribution in the early 1950s, these were stopped and reversed following a military coup in 1954. Since then, struggle over land has continued, leading to violent conflict time and again (Deininger, 2003).

Wehrmann (2008) added that Land conflicts are indeed a widespread phenomenon and can occur at any time or place. Both need and greed can equally lead to them, and scarcity and increases in land value can make things worse. Land conflicts especially occurs when there is a chance to obtain land for free no matter if this land is state, common or someone’s private property. During the early phases of economic privatization, when regulatory institutions, controls and mechanisms of sanctions are not yet in place, people eagerly grab land if their position allows for it or forfeit land if they are in a weak position. In those countries where land only now and slowly is receiving a material value and increasingly becoming private property, people also try to accumulate as much land as possible. During colonial times, dominant European nations tried to occupy all the land outside Europe that seemed useful (fertile or rich in minerals). Today, the powerful are mostly national elites and international mining companies. The conflicts though are similar, local people with long standing de facto rights often held for several generations lose their land to the powerful.

Land conflicts often have extensive negative effects on economic, social, spatial and ecological development. This is especially true in developing countries and countries in transition, where land market institutions are weak, opportunities for economic gain by illegal action are widespread and many poor people lack access to land. Land conflicts can have disastrous effects on individuals as well as on groups and even entire nations. Many conflicts that are perceived to be clashes between different cultures are actually conflicts over land and related natural resources (Wehrmann, 2008).

Land is increasingly becoming a source of conflicts in Sub-Saharan Africa, where land access had traditionally been characterized as relatively egalitarian. It has been shown that local land conflicts can erupt into large-scale civil strife and political movements (Andre and Platteau, 1998). Some underlying factors, such as population pressure, agricultural commercialization, and urbanization, have contributed to the increasing number of land conflicts, and the current land tenure systems in Africa may not be well-equipped to resolve such conflicts (Cotula, Toulmin, and Hesse, 2004; van Donge, 1999). In many African countries, formal institutions for land administration were often simply superimposed on traditional structures without a clear delineation of responsibilities and competencies, implying that they lack both outreach and social legitimacy (Deininger, 2003).

There is increasing number of land use conflict in Tanzanian society between the farmers versus pastoralists, farmers versus investors, investors versus pastoralists. Ojalammi (2006) recommended that more recently, land disputes in rural areas of Tanzania reflect the competition for natural resources, promotion of commercial development and tenure insecurity. All types of interests are involved in disputes: farmers and pastoralists vie for land for cultivation and grazing; small-scale miners try to protect their rights to minerals in areas allocated to large-scale mining concessions; commercial farms dominate water resources relied on by smallholders and pastoralists; and conservationists seek to preserve habitats from encroachment and development. Land investors circumventing government procedures and negotiating directly with villages have created ambiguity in land rights, leading to disputes. Chachange and Shivji (2001) added that from the end of 1980s onwards;

land disputes between settled agricultural and mobile pastoral people have become more common in Tanzania. These land disputes have been due to land alienation and multiple allocations of land rights on village lands.

In Tanzania, the Districts of Monduli, Kiteto and Siman-jiro, Kilosa, Usangu, Kilombero and Ulanga have these cases of land use conflicts. Conflicts occurred in places where large scale agriculture and mining rights have been granted to private investors by the State. They added that liberalization has prompted high marginalization of the rural poor farmers as a lot of pieces of land are being alienated from peasants, thus causing conflicts over natural resources.

In some cases, disputes have become violent. For instance in 2008, tensions between pastoralists and farmers in Kilosa District in central-southwestern Tanzania resulted in a series of violent confrontations during which people were severely injured and some were killed. Most land use conflicts in Tanzania are caused by decisions and acts of the state through its various agencies. HAKIARDHI, (2009) portrayed that the state decides and acts in response to both internal and external forces which could best be understood within the framework of globalization of capital interests. This process of globalizing capital involves denying access and control over resources to people who need those resources most. This process has been experienced and felt by different people in Tanzania but more tangibly by the majority small producers the peasants, pastoralists, artisan miners, hunters and gatherers who live in rural areas and depend entirely on land for their living. Wily, (2003) observed that the ambiguous land rights get even more complicated when coupled which offers investors land use rights in areas where people may already have “surface” rights to the land.

The new legal framework governing land has been more difficult to put into practice than anticipated, and the process that was followed in developing many elements of the law has encouraged those who feel their views are not yet adequately reflected to maintain an activist stance. In 2006, the government issued its Strategic Plan for the Implementation of the Land Acts (SPILL) to guide the implementation efforts. The importance of land in Tanzania’s development is

underlined by the fact that around 95% of the population derives their livelihoods and incomes from farming, livestock production and related activities. They use land as a instrument for their economy (Matsa & Matsa, 2010). Though land is one of the significant instruments for the development to smallholder farmer's households in Tanzania and other parts of the world but its ownership is the big problem especially to rural farmers. Smallholder farmers are the most disadvantaged in land ownership while they use it to sustain their livelihood. The denial of equitable land ownership and use is embodied by investment of large companies and contradictions of land laws and policies. Matsa, & Matsa, (2010) added that, in Tanzania the problem of land use is a major concern, though it's a basic resource on which the mass of the population especially rural household's farmers depends on it as the source of improving their livelihood in terms of food and income.

In Ulanga district the situation of land use conflicts is alarming. Small farmers are being evicted from their productive land which provides food and income. There are number of companies working in Ulanga District which they affect the livelihood of small farmers in those areas. Some of the companies are Kilombero Valley Teak Company (KVTC) which was set up in 1992 with the aim of establishing 10,000 ha of teak plantation. Currently the KVTC acquired 28 229 ha of land from Kilombero and Ulanga districts, although only 16% of this land is suitable for teak growth, with the remainder consisting of a patchwork of evergreen forest, rough terrain, wet grassland and unsuitable soils which will not be converted to plantation (Frontier Tanzania, 2000). KVTC identified a number of potential negative impacts which the new land use could have on the environment. These included soil erosion, chemical pollution, high sediment loads in rivers, the loss of organic matter and the habitat loss from converting natural vegetation into plantation which resulted to low productivity of the smallholder farmers (KVTC, 1995).

Another company working in Ulanga district is the Wild Footprints Company Ltd based in Dar es Salaam was licensed to hunt in the Ulanga Game Reserve at Ulanga District. The Company evicted the villagers (small farmers) out of their land; abused and assaulted, their properties were destroyed; and they were accused of illegally occupying the land which was part of the Game Reserve (Commissioner for Human

Rights and Good Governance, 2009). Lastly there is a land use conflict in Ulanga district between the villagers (smallholder farmers) and the pastoralists.

1.2 Statement of the problem

Land is one of the most fundamental resources to smallholder farmers' living conditions in rural areas in Tanzania. It is a source of economic empowerment and represents a key factor in the struggle for equity and equality. Rights to use and control of land are therefore central to rural small farmers' livelihoods. Odgerd, (2006) argued that conflicts which are related to land rights issues in Tanzania is not a new phenomenon. However, some of the land use conflicts have changed in nature and have been on the increase and becoming more complex and violent. Existing mechanisms to deal with the land use conflicts have therefore become insufficient and costly (Huber *et al.* 2008). In other African states, currently, Tanzania is challenged with a high incidence of land tenure insecurity and has a long way to go in terms of resolution of land use conflicts.

Various mechanisms have been used by the government of Tanzania and nongovernmental organizations and institutions to resolve the problem of land use conflicts existing in Tanzania. National Land Policy of 1995, the Land Act Village Act of 1999 of the United Republic of Tanzania makes provision for the settlement of disputes. The land Dispute Courts Act, 2002 subject to Sections 167 of the Land Act, 1999 and village Land Act, 1999 sets up a number of courts, to specifically deal with disputes or complaints concerning land. The Act established the Village Land Council (VLC), the Ward Tribunal (WT), the District Land and Housing Tribunal (DLHT), the Land Division of the High Court and the Court of Appeal. Sackey, (2010) other systems play the roles of in land dispute resolution. Non-governmental Organizations (NGOs) which are seen to mediate disputes concerning land use conflict and provide legal advice and training through specific programmed on issues relating to land within communities in rural and urban areas. One key NGO is the Legal Resource Centre (LRC) this provides advice to the vulnerable and marginalized groups of people including the poor, homeless and landless people and communities. Other NGOs are the Lawyers for Human Rights and the Centre for Rural Studies, Tanzania Media Women Association (TAMWA), Tanzania Women

Lawyers Association (TAWLA) and HAKIARDHI (Land Rights Research and Resource Institute). They also encourage people by advertising through print and electronic media to make people aware of their rights on land.

Despite of these efforts still the problem of land use conflicts persists in Tanzania especially in rural areas where the land is used as an instrument for sustaining livelihood. There are several studies that have been conducted concerning land use conflicts and most of these studies revealed that there is land use conflict (Deininger and Castagnini, 2005). A recent study in Uganda and Tanzania, however, shows that rural households experience land conflicts with investors and pastoralists such conflicts have significant impacts on their agricultural productivity (ibid). This study therefore intends to look on the weakness of legal institution for the persistence of the land use conflicts in Tanzania especially in rural areas which affect the livelihood of smallholder farmers.

Derby, (2002) argued that many countries of the developing world, land institutions to facilitate land market are weak and they contribute in land conflicts. In Tanzania, land institution's weaknesses influenced with the presence of legal pluralism like constitutive institutions; Regulatory institutions; Supportive institutions and Complementary institutions, Traditional and customary institutions which contradict themselves, thus contributed to land conflict. Wehrmann, (2005) stated that these weaknesses happen in multiple sales of land, institutional change, illegal sales of state land, poor recognition of customary and informal rights to the majority, lack of land registration, poor active public participation to legitimated property rights, poor identification of the boundaries of customary areas, lack of adjustment of customary land law to conform with the national constitution and human rights doctrines in regard to equity; lack of proper local control mechanisms for traditional leaders misusing their authority by irregularly allocating land for their own profit; lack of empowerment of communities living on customary land to classify as state land in addition, many land administration authorities are threatened by corruption. This results in unclear property rights and consequently conflicts over land ownership. Therefore neither institutions constituting nor those regulating the land market make a substantial contribution to preventive land conflicts.

1.3 Significance of the study

The main assumption of the study is that if the basic causes of land use conflict would be known, it would help in combating the problem of land conflicts to smallholder farmers of these two districts which in turn would lead to sustainable development and actively involving in land use for producing various crops to sustain their livelihood. In the rural areas the problem of land use conflict to smallholder farmers household is tremendously increasing, though there have been several strategies set by the government, on governmental organizations, private sectors and International organizations to reduce the problem.

The finding of this study will shed light to the policy makers, the government, activists, Non-governmental organizations and International organizations at setting out macro and micro economic policies that disadvantaged the poor smallholder farmers from land ownership. The formulated policies would create an enabling environment for a sustained, stable and rapid economic recovery and eradicate the problem of land use conflict to smallholding farmers' households especially in rural areas.

1.4. Research Objectives

1.4.1. Main Objective

The main objective of the study is to examine how smallholder farmers' livelihoods are being affected with land use conflicts.

1.4.2. Specific Objectives

- (i) To examine land administration system in Tanzania especially land registration processes on how it affects rural smallholder farmers.
- (ii) To determine the state of land ownership in Ulanga district.
- (iii) To identify and determine the causes for land use conflicts in Ulanga district.
- (iv) To find out the weaknesses of legal institutions for the persistence of the land use conflicts at Ulanga district.

1.4 Limitations of the study

Most of the data obtained from respondents were mainly through interviews though observation method was partly applied. Their replies were subject to error due to poor understanding, inadequate knowledge and education on land rights. Besides, care and wisdom was used to ensure that executed data are reliable enough for empirical study. Selection of villages was based on purposive sampling, in respect of high land use conflict in the study area.

Also Lack of awareness to some respondent as they were sometimes demanding money to compensate their time spent during interview. The researcher tried to create awareness to them that he was just collecting data for the purpose of study and not a project which associated with payments as they were thinking. Some village leaders were also hindrance to the study as they were thinking that providing some information might reveal some of their poor governance practices and therefore they tended to hide some of the crucial information related to participation.

Lastly but not the least financial constraint was an obstacle to the study whereby some of the villages are located very far from the district headquarters where there is only one passengers car which has only one trip to and from town, therefore the researcher sometimes forced to a little fund he has to hire a taxi with a very high cost in order to reach a place in time.

1.5 Organization of the study

This dissertation is presented into five chapters. After the first chapter which presented background information, an overview of the research problem and justification, objectives for the study, conceptual framework, chapter two present review of relevant literature. Chapter three describes the study area and methodology framework. The results and discussion is presented in chapter four. Chapter five briefly highlights conclusions and recommendations based on the study findings.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This section presents the ideas as stipulated by other researchers through various literatures pertaining to the research problem. Thus, there is presentation of key concepts which includes definitions (attributes) and their relationships. Also this part included theoretical literature review, empirical literature review followed by the conceptual framework.

2.1 Definition of Key Terms

2.1.1 Land

Land, in its broadest terms, includes “the surface of the earth, the materials beneath, the air above and all things fixed to the soil.” Land, therefore, includes houses, buildings and other improvements to the land, and it includes both rural and urban areas. National economies require land as an input for development. For many households, access to land is central to food security and is a source of cash income UN-HABITA, (2008). In addition, land may be the only significant household asset to be passed down to future generations. Land is also an important safety net for poor households. During an economic downturn, households can fall back on subsistence farming to sustain themselves. In extreme circumstances, land can even be sold to ensure family survival.

Land is critical to all aspects of human well-being. It provides material resources for livelihoods, food and health, provides security against environmental shocks and future uncertainties, and underlies many social and cultural systems. Access to land and the resources it offers is at the core of enhancing opportunities and choices, particularly for those who depend more directly on it. Brown, (1993 M), defined land as the solid part of the earth’s surface, as it is distinguished from the sea, water, or from air. Land in Africa and Tanzania in particular is used for many activities like agriculture and forestry; urban expansion and infrastructural development including transportation; mining and oil extraction; tourism and recreation; and also as a sink for domestic and industrial waste. It is critical in the cradle-to-grave cycle of both

living and non-living things, providing habitats and other ecological goods and services, sustaining investment and human livelihoods, Kironde, (1995).

Land use decisions from the household to the national level, in rural and urban areas, have a major role to play in sustainable development, influencing environmental governance and thus resource sustainability. Tenure regimes, access and equity issues, poverty alleviation and gender dimensions all shape governance and the opportunities available at different levels. Governance today will have important implications for the opportunities of future generations, either enhancing or foreclosing choices.

Due to its economic, social and emotional importance, land is also an important source of power. (UN-HABITAT, 2008) indicated that perceived threats to security, livelihoods or identity can mobilize communities to engage in violent conflict. At the same time, these sensitivities can be manipulated to serve the agendas of political or military leaders. Therefore, understanding the complicated roles that land plays in society is fundamental to comprehending its role in conflict.

2.2 Categories of Land in Tanzania

The surface area of Tanzania is 94.3 million ha. Only 5 percent (5.1 million ha) of it is cultivated. An area twice this size, (10 million ha.), is arable land that is not cultivated, but to a large degree used as pasture, first of all by pastoralists. Almost a quarter of the surface area, 23%, is reserves, a larger share than any other country in Sub-Saharan Africa (URT, 2007b). Tanzania's Land Act classifies land in the following categories:

2.2.1 Reserved land

Reserved land is defined as land being reserved and governed for purposes subject to nine listed laws (LA 1999: s.6). These include: environmental protection areas, such as national parks, forest reserves and wildlife reserves, including marine parks are gathered, but also areas intended and set aside for spatial planning and future infrastructure development. (Wily, 2003:23)

These are all land set aside for special purposes (forest reserves, game parks and reserves), land reserved for highways and public utilities, land designated under the Town and Country Planning Ordinance, and hazardous land.

2.2.2 General land

General land is described as consisting of all land which is neither village land nor reserved land. (LA 1999: s.2) All urban areas fall under this section, except areas that are covered by laws constituting reserved land, or that are considered hazard land. General land is governed by the Land Act and, hence, under the control and jurisdiction of the commissioner for lands. General land' means all public land which is not reserved land or village land and includes unoccupied or unused village land" (quoted in Sundet, 2005:3).

2.2.3 Village Land

Village land is land that belongs to registered villages importantly, the village councils do not own the land, and they only manage it (Wily, 2003:19).

Larson, (2006) added that Village land is declared as being the land falling under the jurisdiction and management of a registered village. A village is an administrative unit in the local government system and usually has a population between two and four thousand. Each village has a Village Government. Village land is administered by the Village Council on behalf of the Village Assembly (all members of a village 18+ years).

Tanzania consists of a vast countryside with only a few urban areas; most land in the country is village land. In order to fulfill the provisions of the acts, the village first has to acquire a certificate of village land. The certification procedure includes compulsory agreement upon the perimeter borders among neighboring villages. When consensus is reached and the border is properly demarcated, a formal certificate of village land is issued in the name of the president, and registered in the National Register of Village Land. (VLA, 1999: s.7).

2.3 Conflict

Resolve incorporated and Its International Partners, (2000) defined conflicts as interactions of interdependent people who see their goals as incompatible and who believe the other people are interfering with their efforts to satisfy their interests or values. Continued by adding that if parts failed to reach agreements on an issue of grievance then one side or all of them must allege that a deadlock has been reached and declare a dispute/conflict.

Conflict is a common to all human societies, and disputes as more focused, articulated expressions of difference over particular resources, needs and interests. Conflict often involves at least two parties who disagree over the distribution of material or symbolic resources or perceive their underlying cultural values and beliefs to be different. The origins of conflict can also lie in the social and political make-up and structure of society (Riemann, 2004). Disputes arise where two or more people or groups who perceive their needs, interests or goals to be incompatible, communicate their view to the other person or group. Always conflicts arise from unsolved grievances and a third part is required in order to resolve them amicably. Sackey, (2010) stated that the accumulation of sources of tension is a key concept which explains the shift from grievances and disputes to conflict and without any intervention may later progress to violence and hostilities.

Johnson, (2000) explained the concept of conflict from a perspective that assumes that groups and/or individuals who struggle or compete with one another over various resources and rewards to shape the world situation. He added that this results in distribution of wealth, power, and prestige in societies in a particular pattern. This goes on to shape not only the patterns of everyday life, but also the larger patterns such as racial, ethnic, and class inequality and relations among nations and regions of the world (Johnson, 2000).

2.3.1 Land conflicts

A conflict, as defined by sociologists, is a social fact in which at least two parties are involved and whose origins are differences either in interests or in the social position of the parties (Imbusch, 1999). Land conflict can be defined as a social fact in

which at least two parties are involved, the roots of which are different interests over the property rights to land: the right to use the land, to manage the land, to generate an income from the land, to exclude others from the land, to transfer it and the right to compensation for it. A land conflict, therefore, can be understood as a misuse, restriction or dispute over property rights to land (Wehrmann 2005). Land conflicts defined as such can be aggravated if the social positions of the parties involved differ greatly. Although we generally experience conflict as something destructive, they nevertheless perform positive functions. Sociological conflict theories underline the importance of social conflict for social change (Bonacker, 1996). Land and conflict are often inextricably linked. Where there is conflict, land and natural resources issues are often found among the root causes or as major contributing factors.

Land conflicts can become engines of change if they lead to massive protest and consequent changes in policies and their implementation. It is therefore important to deal with land conflicts in a constructive manner, instead of ignoring them or simply trying to stop them. In any event, conflict theorists agree that conflict is unavoidable for any society:

“Conflict is an inevitable aspect of human interaction, an unavoidable concomitant of choices and decisions. Conflict can be prevented on some occasions and managed on others, but it is resolved only if the term is taken to mean the satisfaction of apparent demands rather than the total eradication of underlying sentiments, memories, and interests. Only time really resolves conflicts, and even the wounds it heals leave their scars for future reference. But short of such ultimate healing, much can be done to reduce conflict and thereby release needed energies for more productive tasks” (Zartman, 1991: 299).

Land use conflicts have negative effects on individual households as well as on the nation's economy. They increase costs, slow down investment, can result in the loss of property for a conflict party and reduce tax income (land tax, trade/commercial tax) for the state. Conflicts over the use of land generally have a negative impact on the poor or on the natural or building environment. They either decrease quality of life for parts of society or, if they are addressed and ameliorated, contribute to additional state expenditures and therefore have an impact on the national wealth (Wehrmann, 2008).

Land conflicts also increase social and political instability. Where ever there occur a lot of multiple sales, evictions, land grabbing etc., people lose confidence in the state and start mistrusting each other. Social and political stability suffers even more when land conflicts are accompanied by violence. Dealing with land conflicts therefore also means to re-establishing trust and confidence in public as well as private institutions.

Land conflicts affect different groups in different ways. Not only do they generally have a stronger impact on the livelihood of the poor than that of the rich, but they also impact differently on men and women, urban and rural populations, farmers and pastoralists etc., with groups such as squatters, ethnic minorities or orphans being extremely marginalized (*ibid*).

2.4 Types of land conflicts

Disputes/conflicts over land fall into four general categories. Within these categories, conflicts may be separated into 35 different types. This system of classification builds upon the kind of land involved (state, private or common property), the specific object of the conflict as well as the legitimacy of actions and the level of violence used by the parties Wehrmann, (2008).

2.4.1. Conflicts occurring on all types of property

- (i) Boundary conflicts
- (ii) Inheritance conflicts
- (iii) Ownership conflicts due to legal pluralism
- (iv) Ownership conflicts due to lack of land registration
- (v) Ownership conflicts between state and private/common/collective owners
- vi) Multiple sales/allocations of land
- vii) Limited access to land due to discrimination by law, custom or practice.
- viii) Peaceful, informal land acquisitions without evictions
- ix) Violent land acquisitions, incl. clashes and wars over land
- x) Evictions by land owners
- xi) Illegal evictions by state officials acting without mandate

- xii) Market evictions and distortion of local land market/values
- xiii) Disputes over the payment for using/buying land
- xiv) Disputes over the value of land
- xv) Conflicts between human/cultural and natural use (flora and fauna)
- xvi) Destruction of property.

2.4.2. Special conflicts over private property

- i) Expropriation by the state without compensation
- ii) Sales of someone else's private property
- iii) Leasing/renting of someone else's private property
- iv) Illegitimate expropriations by banks
- v) Conflicts due to land/agrarian reforms
- vi) Conflicting claims in post-conflict situations
- vii) Illegal/improper uses of private land
- viii) Intra-family conflicts, especially in case of polygamy

2.4.3. Special conflicts over common and collective property

- (i) Competing uses/rights on common and collective land
- (ii) Illegal/improper uses of common property
- (iii) Unauthorized sales of common or collectively owned property
- (iv) Disputes over the distribution of revenue from customary land

2.4.4. Special conflicts over state property

- (i) Illegal/improper uses of state land
- (ii) Competing uses/rights on state property
- (iii) Land grabbing by high-ranking public officials
- iv) Illegal sales of state land
- (v) Illegal leases of state land (including concession land, forests, mines)
- (vi) Disputes over revenues from state land generated through lease, sale or transformation of its use
- (vii) Improper land privatization (e.g. unfair land distribution or titling)

Figure 2.1: Typical land conflicts in urban and rural areas

Urban Areas	Rural Areas
Informal land acquisition by squatters or pavement dwellers Evictions Land use conflicts: not respecting building regulations Illegal subdivisions resulting in densification and slums Illegal sale or lease of state land in prime locations Illegitimate expropriation by banks of the property of the poor Displacement of settlers by commercially motivated developers or speculators	Illegal lease of state land for logging, mining, agro-industry Land use conflicts among farmers and pastoralists Land use conflicts between conservation and private or commercial use of natural resources (Forests, lakes etc.) Land grabbing: public officials taking state land (for themselves or friends) Land robbery: guerrillas and other violent groups taking private land Land clashes between different ethnic groups

Source: Wehrmann, (2008).

2.5 Categories of Land use Conflicts in Tanzania.

2.5.1 Communities versus the investors in mining and farming

The rise of the so called free market economy in Tanzania led to the massive increase of the investors in the country. With these “investors” coming into stream since 1980s what has been witnessed in the country is proliferation of and other natural resources disputes (Chachage, 1996). The main victims in this process have been the farmers and the small miners whose used to get their daily bread and other social services from the land owning. The facts will remain that the foreign investors engaging in the commercial crop production and in mining activities are guided with a log of support from the part of the government. For instance in the biofuel production the foreign companies are getting more support from the government institutions in acquiring in the village without following the proper underlined producers. The concrete example is in Rufiji, Bagamoyo and Kisarawe, Kilombero and Ulanga districts whereby a lot of outsized hectares of land have been taken for biofuel and teaks production despite the fact that in the long run there will be huge environment destrutions and food crops production decline (Shivji,1998).

Recently there are going conflicts between the villagers and these investors in the mentioned districts above as the villagers realized that the investors are not fulfilling the promises they offer before. But the reality in group is that some government officials are paying much more attention to the investors' problems rather than those of the local people.

Besides there is no proper and effective participation and consultation of the villagers when their village land is taken and given to the investors for biofuel or for any other activity. There is the tendency of some leaders in the government institutions to force the villagers to give their land to the investors and sometimes these decisions are reached without being informed. A democratic demand to be consulted and participate as of right on matters involving the major resource around which the life conditions, culture and custom of the majority of producers is constructed is a social-democratic demand (*ibid*).

2.5.2 Community versus the state in conservation Lands and Development Projects

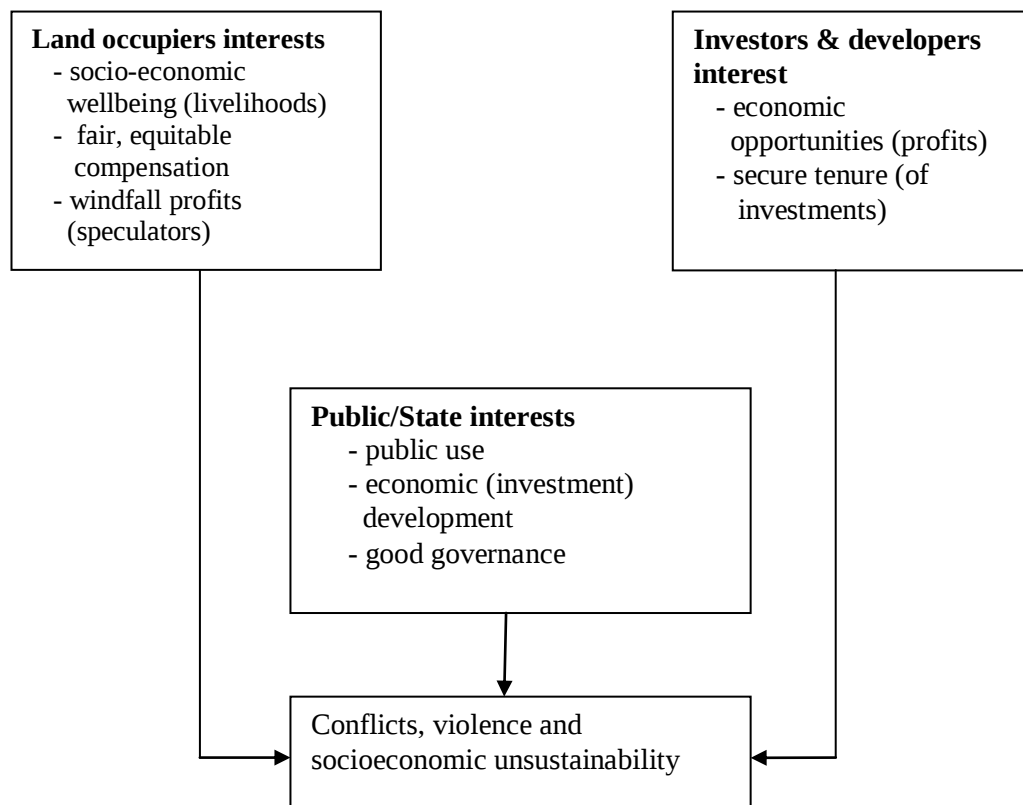
The conflicts between the community and the state are historical in case of Tanzania. This is due to the fact that since the independence time there has been the use of force from the government demanding the villagers and other land users to leave land they own for other uses mostly termed as public demand such economic growth. The events of establishment and redistribution of land to the public corporations such as National Agricultural and Food Corporation (NAFCO) and National Ranching Company (NARCO) as well as National parks, Game Reserved Areas went together with violation of villagers rights on land which led to the occurrence of multiple conflicts over land among the villagers and the reserved areas. The concrete example is in Rufiji district whereby the villagers of Mloka village are in conflict with the management of Selous Game Reserve for years now. In Kilombero district there is the conflict between the small farmers and Ramsay project at Kilombero valley where the smallholding farmers use to produce food and commercial crops to sustain their livelihood.

Kamata, (2008) commented that conflicts linked to wildlife policy, one of the wildlife policy objectives is to continue establishment of protected areas and maintenance of existing ones in order to enhance biological diversity. The issue then is that land use for wildlife competes with other uses such as farming, grazing, and settlement which lead to conflict over the same land. The concrete example is in Usangu plain where the Game Reserves grew and took pastoral dry season grazing areas. This then became the key cause of the forced movement of pastoralist from Ireful Valley in search of the secure and peaceful places.

2.5.3 Pastoralists versus the Farmers

As explained above the prominent land use conflict prevailing in Tanzania is between the herders and crop producers. This is due to the multiple cases of such conflicts taking place in several parts of the country. Among those areas are in Kilosa and Kilombero and Ulanga districts in Morogoro region; Kilindi and Handeni districts in Tanga region; and Mbarali district in Mbeya region to mention the few. Searching for pastures and water among the pastoralists for their cattle, the farmers are complaining that the cattle are passing in their farms and destroy their crops. Though the pastoralists are arguing that in many areas there no ways or paths for their cattle to pass during the search for pasture and water. But there arose the beliefs among the other users of land that pastoralists' ways of keeping livestock is old and does not deserve to survive up recently as result in lack of care for land resulting in soil erosion and other abuses (Shivji and Kapinga, (1988).

Figure 2.2: Key actors and interests in the land conflicts



Source: Kombe W (2010)

2.6 Household

The term 'household' covers a wide range of residential forms, groupings of people and functions, making a universal definition of 'household' impossible. A common definition is a group of people who pool resources or 'eat from the same pot' (Robertson, 1984). The term 'household' can also be applied simply to co-residence, a task oriented unit or the site of shared activities. Households may involve close family, wider kin networks and can include unrelated co-residents such as lodgers.

The term household can also define as an aggregate of persons, generally but not necessarily bound by ties of kinship, who lives together under the same roof and eat together or share in common the household food. Pomentil *et al* (2001), a household is composed of a head, relatives living with him/her, and other persons who share the community life for reasons of work or other consideration. Furthermore, a person who lives alone is considered a separate household, as also a person who

rents bed space but makes arrangements for his/her own food. Moreover, a group of persons who share and take their meals together but live on separate but adjacent living quarters for convenience is also considered one household. The headship of the household is usually identified with the person who has the greater authority in the family or household. Power and authority, in turn may be vested in the member who has control over the general affairs of the family unit, including decision-making concerning its economic, social and political affairs Medina, (1991).

2.7 Land use from the colonial phase to the post independent

There are four major milestones in the development of land tenure system in Tanzania. These are the pre colonial phase, colonial phase, the three decades of independence and the social economic liberalization phase. During each phase, land use was determined by the major forces of time and reinforced by the relation of production. In pre-colonial phase for example, land use and ownership was controlled by respective tribes and clans with varied ways of accessing using, owning and controlling basing on their own customs and traditions. No one tribe that had a mandate to set up a land tenure system for others and when disputes arose over its usage, customary systems were applied in settling them (CASLE, 2009).

During colonialism, land was alienated from the people for allocation to the new masters (Germans first then British), for production of raw materials. Granted right of occupancy was introduced and accorded a relatively higher status to deemed rights of occupancy. This was reinforced by the British colonial land ordinance of 1923. Local communities lost their rights to use their own land, forced to become labours and eventually fought to reclaim their land rights and sovereignty.

At independence, little changes were made on the land tenure system as a whole save for the replacement of governor with president but the powers over land administration were retained. Other development especially in the context of Arusha declaration had enormous bearing on both land use plans and the rights to land of many Tanzanians. Private properties were nationalized and the decision reinforced by enactment of the land acquisition act No. 47 of 1967 to give more powers to the president to acquire land for National interests. So many conflicts arose during this

phase because the resettlement exercise took place without first revoking the right to land of the resident communities. So the new owners and old ones found themselves in tussles that were caused by the villagization program. Generally, the nature of land use conflicts revolved around the state and its agencies vis a vis communities over the changing use of their land for the so called national interests. Huge tracks of land were converted into ranches and or farms owned by state corporations like NARCO and NAFCO sometimes forcibly acquired from communities with meager compensation or sometimes without any compensation⁴. This is not to mention to her tracks of land now approaching 30% that are gazetted and reserved for use by wildlife and other exclusive usages from the general public.

From mid eighties, land use conflicts have assumed a different pattern by involving other actors than the state and small groups. As the country opened up for liberalization, we have witnessed an influx of investors who are also interested on land. Large tracks are now being leased or privatized to local and foreign investors for commercial farming, ranching or mining activities. Allocation of such land has brought about serious tensions between local communities and the respective investors for either lack of adequate consultation or forceful eviction of communities without compensation. Land conflicts emerging as a result of economic liberalization are closely linked to what is now called “land grabbing” by persons in positions of the power or material wealth and influence. Trends show that there is an increasing influx of investors into the rural areas, which is also posing serious threats on food security for rural based small producers (Shivji, 1998:36).

Basing on this historical background, it is obvious that land use conflicts are going to persist as they take different shape depending on forces of the time. There are high hopes on the new land conflicts resolution mechanisms that begin from the village level to the court of appeal but the weak reinforcement mechanisms turns down the hopes. The recent developments in the land tenure system where the new laws have been introduced are equally not reliable as the institutions established by these laws are yet to take shape in communities. It is thus imperative to devise concerted efforts among actors in making sure that reliable mechanisms are put in place to address the challenges of combating land use conflicts in Tanzania for the

benefit of small producers. Civil society, private sector and the government partnership is inevitable in this initiative. At the centre stage, there should be a strong leadership of professional bodies to bring in their professional

2.8 Legal Frameworks to guide Land use in Tanzania

The Constitution of Tanzania (1977, as amended, 1998) provides that every person has the right to own property and the right to have his or her property protected in accordance with the law (GOT Constitution, 1977). For instance, Article 12 states that; all human beings are born free and are all equal. Article 13(i), all people are equal before the law and are entitled without discrimination to protection and equality before the law. Article 24(1), is explicit that every person is entitled to own property. The article further states that any deprivation of a person's property is unlawful unless declared by law which makes provision for fair and adequate compensation. Land is a property that every citizen is entitled and therefore women as citizens are entitled to this right.

2.8.1 The Land Act of 1999

The Land Act was passed in 1999, effective from 2001 (Wily, 2003: 1). The act made it clear that there would not be any land reform in Tanzania all land would remain public land vested in the President. The land is administered by the Commissioner for Lands on behalf of the President (LEAT, 2007). The Land Act confirms tenures that were introduced under colonialism: Granted right of occupancy, customary tenure, and leasehold estates. Customary tenure applies to village land, general land, reserved land as well as urban land and peri-urban areas.

2.8.2 The Village Land Act of 1999

In common with the Land Act, the Village Land Act no. 5 was also passed in 1999. The particular objective of the law was to enforce the following Policy Statements of the Presidential Commission of inquiry into Land Matters: Section 4.2.2 (iii) which provide that village councils shall administer village land, section 5.2.1 which provide for demarcation of village boundaries and resolution of village boundaries disputes, and section 4.2.2 which provide for titling of individual parcels of land in

village land. Put more broadly, the objectives of the law, according to the Ministry of Lands, are:

To ensure that existing customary land rights are legally secured, to ensure efficient and effective village land administration, to enable villagers to participate in land administration, to ensure gender balance in land administration and ownership (URT, 2007a). The Ministry of Land will be in charge of administering the implementation of the National Land policy and the Village Land Act, while the Local Government will be the implementers of the Village Land Act.

Up to now, there has been slow progress in the implementation of the laws (Adams and Palmer, 2007:50). The Village Land Act, in particular, has simply not been implemented, and the acts have not changed the way that land is administered at the local level (Sundet, 2005:1). Part of the problem is that the land sector is not a priority in most District Councils, and there is therefore an acute lack of budgets for different land activities. Implementers at the local level have not yet received training in the new procedures for administration and titling that the Village Land Act provide for (URT, 2007a:3).

2.8.3. Customary rights to land

Most land users in the countryside don't have any formal certificate or title to the land that they are using. The process of attaining a certificate or title to a plot in rural areas is slow and expensive, and having a title does not always protect against disputes, since there is no reliable official system for registering titles and other documents that give rights to use land and certificates of title to the same land are sometimes issued by different officials to different people (Clark *et al.*, 2007:12-13). There are three main registers of land rights in the country: the Village Land Registry, the Local Land Registry, and the Registry of Titles. The three registers do not have the same standards for documentation, and are not coordinated.

The majority of rural people in Tanzania rely on a Customary Right of Occupancy a legal right to occupy and use the land that they are now using, but with no official registration or certificate. According to the Village Land Act, "customary right of occupancy is in every respect of equal status and effect to a granted right of

occupancy” (Sundet, 2005). In practice, however, customary rights are not secure, and property is usually held in the name of the male head of the family, which often leaves widows and children landless. Moreover, people tell stories of village land being sold off by Village Governments for personal profit.

Clark *et al.*, (2007:31) advised that at present, if you have a customary right of occupancy, or wish to buy a right of occupancy from somebody else, you can pay for a survey and apply for a certificate of title. However, the costs of this individual titling ‘on demand’ will be expensive, and it may make it easier for land to be allocated through deals between village leaders and outsiders or wealthier local residents, without the rest of the community being aware.

2.8.4 The National Land Policy

In 1995 the Government promulgated the National Land Policy (NLP) a major guide to local authorities on land use. However, the division of responsibilities was unclear. The NLP direct that “permits, licenses, claims and rights for exploitation of natural resources be issued in line with land use policies, and environment conservation policies and programmes” (paragraph 4.2.10 of the NLP). However, it is not clear how licensing mandates will be coordinated at the local and central government levels. Another apparent gap in the policy is the unclear devolution of land management responsibilities from the Commissioner for Lands to the local government (LEAT, 2007). When the National Land Policy was in place; the Land Acts were drafted by a British consultant, and later translated to Swahili. It has been noted that the laws are very long (800 pages), extremely complex, and that the meaning is unclear in some places (Palmer, 1999). With translation, there is the danger that the laws have become even more unclear, and/or that the two versions differ, particularly in an area like customary law where Swahili expressions may have other connotations than the ones used in the English version.

2.9 Theories on Land Conflict.

Human being’s life depends on land, thus any fight against poverty must give highest priority to land issues such as its access, distribution, management, administration, ownership and tenure security, especially in developing countries

(Kalande, 2008). Due to liberalization, political power, richness and poverty especially in Africa, it is a reality that there is inequality between the rural poor small farmers and investors in the control over, access to, ownership and management of land. This is more prevalent in rural areas where the poor may have less access and control to land (*ibid*).

2.9.1 Land Conflict Theory

Land conflict theory is a subset of conflict theory, a sociological perspective that focuses on structural antagonisms in society and their resolutions. Conflict theory is generally traced back to Marx, who first posited a sociological account of social conflict in his theses on class and capitalism. Conflict theory was subsequently taken up as an academic challenge to functionalist and positivist perspectives in the social sciences. Land conflict theory applies conflict theory premises to land disputes (Kalande, 2008).

Land conflict theory addressed four dimensions of conflict: scarcity competition, structural inequality of access, war for land, and revolution precipitated by land conflicts. Scarcity competition happens when there is not enough land for everyone. Structural inequality is exemplified by the rich being able to buy land that the poor cannot afford. War for land might be for its arable qualities or its strategic value, and involves violent conflict between two nation-states. Revolution over land is civil conflict, even to the point of war, with the purpose of the revolutionaries being to seize state power as a precondition of land redistribution (Nsemiwe, 2006, quoted from George, 1879, rpt. 1958).

2.9.2 Social Conflict Theory

Social conflict theory is a Marxist-based social theory which argues that individuals and groups (social classes) within society have differing amounts of material and nonmaterial resources (the wealthy vs. the poor) and that the more powerful groups use their power in order to exploit groups with less power. The two methods by which this exploitation is done are through brute force and economics (Marx and Engels, 1848). This theory was founded by Karl Marx and later developed by theorists including Max Weber 2000 (Kalande, 2008).

2.9.3 Economic Theory on Land

The attention for land in economic theories has changed over time. The early and well known theories of Ricardo and, in a more spatial context, on Tunen have laid down the foundation of land use theories and are to a certain extent still valid and used in current research. Ricardian land models explain the existence of land is differences in terms of fertility and quality. Land of a high quality generates surplus over land with lower quality (Randall and Castle, 1985).

Basing to above theories, my study will rely on the ideas of Henry George that there is inequality in accessing land between the rich and the poor while it (land) is essential for human development that help to eradicate poverty in most of developing countries. There is a need to remove these obstacles such as corruption, participation of poor rural people in land uses etc.

Also my study will rely on the ideas of Karl Marx that the more powerful groups use their power in order to exploit groups with less power. In Tanzania we have such groups the poor (smallholder farmers and the rich (investors) who have power and exploit the poor ones. For the case of economic theories done by Ricardo and Tunen which indicated that the quality of land determines the productivity. Lands with high quality and fertility produces large amount of products with good quality but lands with poor quality (marginalized) produces low products with poor quality. My study will be interested to see how the smallholding farmers are being affected with being evicted from their productive land to poor quality land in crop production.

2.10 Empirical Studies on Land use Conflicts

Number of researches has been undertaken by different scholars in relation to the issue of land use conflicts of smallholder farmer's households. The following are the brief review on the objectives, methodologies, recommendations and findings found in these studies. Also this part will examine knowledge gap left by the particular studies and how the present study would inform and fill the left gaps.

Wehrmann, (2008) conducted a research on Land conflict; a practical guide to dealing with land disputes. The objective of Wehrmann's study was to broaden the understanding of the complexity of causes that lead to land conflicts in order to

provide for better-targeted ways of addressing such conflicts. Also to provide a number of tools with which to analyze land conflicts. The study revealed that one of the major issues for land use conflict is privatization, weaknesses of regulatory institutions, controls and mechanisms of sanctions are not yet in place and people eagerly to grab land if their position allows for it.

Wehrmann, (2008) recommended that there is a need of improving constitutive institutions to establish legal security in tenure security, land registration, customary land administration, rule of law and promoting good land governance.

Abegunde, (2011) held a research on Land as the main cause of Inter-communal conflicts in Africa. The study was conducted in Southwestern Nigeria. The study aimed to examine the role of land in inter-communal conflicts. This study evidenced gaps between policy and implementation. Also the study findings reveal that most of the residents identified land as the main cause of IC. It notes that government's grip over land in the area was weak, as most of the residents acknowledged that individual families and community leaders monitored the affairs of land in the region and that strangers have no full right to indigenous land. This could be why most past recorded conflicts erupted when people rose to fight for their rights on land. In this regards, the policy makers of Nigeria need to review the effectiveness of the country's land laws and their applications at the regional and local levels. To avoid complications, selected community leaders must be involved in the process.

Abegunde, (2011) recommended that the policy makers of Nigeria need to review the effectiveness of their country's land laws and their applications at the regional and local levels. This would address the problem of strangers' inaccessibility to indigenous land and practically ensure land as public property. The review have to be done with full consent of selected community leaders, who would be expected to carry their people along on the need to holistically make land available for all without prejudice. When this is in place, the desire to defend selfish interests or community's rights would be reduced and where there are encroachments, the government as potent land administrator can easily intervene with minimal crisis.

Olungurumwa, (2009) conducted a research on Resource based conflicts in Tanzania, the case of Ngorongoro District in Arusha Region.

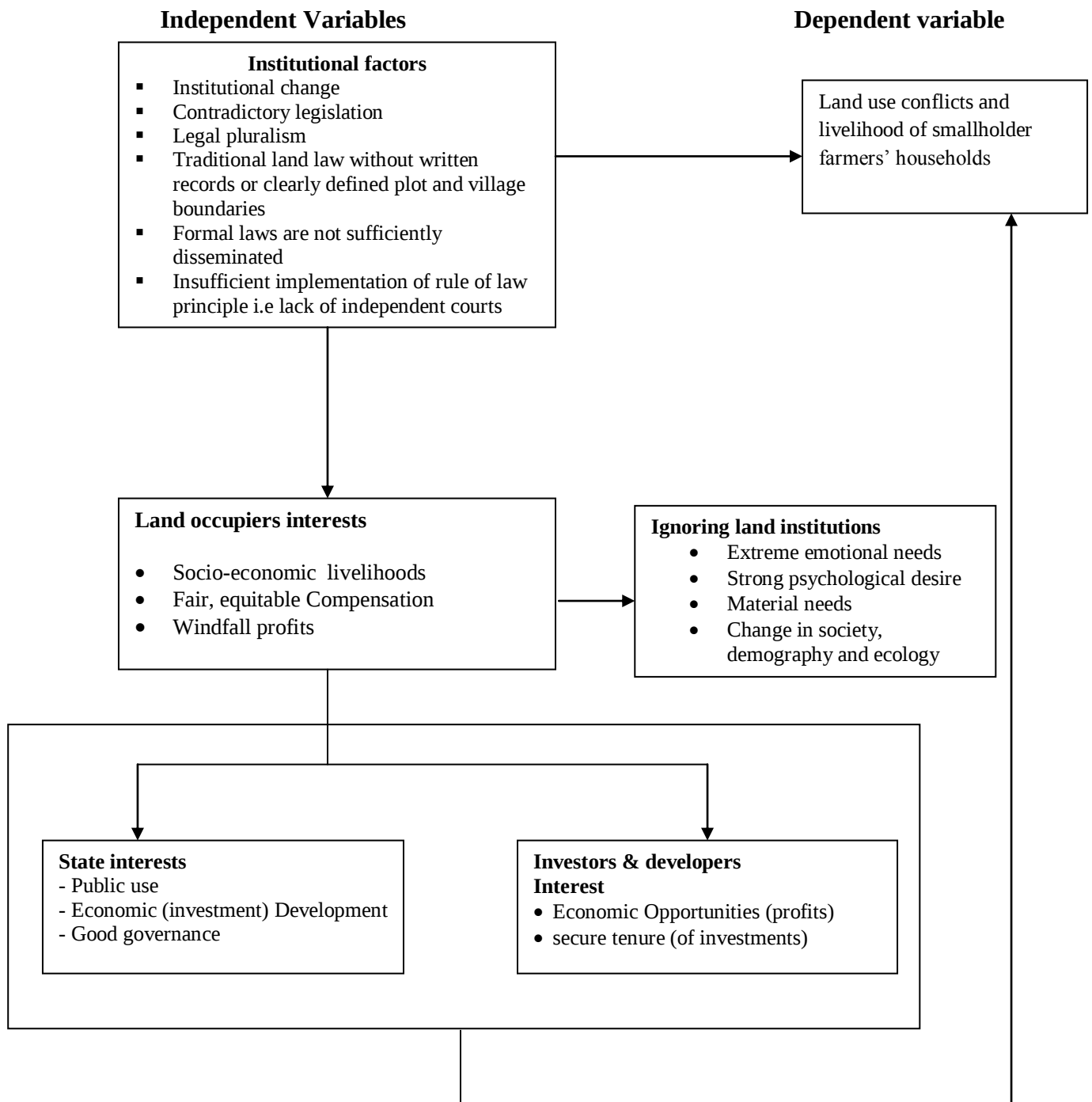
The Research objective was to find out the role of laws and national policies in the said conflicts. It also aims at studying why the problem has acquired a persistent nature and why the Government has left the problem unattended for all those years. Study finding shows that there are very few, if any, areas that have been set aside and protected by law for communal grazing lands for pastoral communities, to add salt to the wound Tanzania 1997 Investment Act provided all lands for investors. No effective land use planning and village land gazettement have been undertaken and this has allowed processes of encroachment to develop unabated.

Olengurumwa, (2009) recommended that Establishment of a District-wide conflict management framework which incorporates all the major stakeholders, especially central and local government, traditional leadership and institutions, civil society, the private sector and religious organizations, and ensures the effective participation of men, women and youth, if the initiative could be enlarged beyond its present focus on humanitarian crises, and to incorporate traditional mechanisms of conflict management and dispute resolution.

2.11 Conceptual Framework

The conceptual framework displays the diagrammatical presentation of the relationship existing between Independent and dependent variables of the study. According to the study, the dependent variable is land use conflicts and livelihoods of smallholder farmers' households and independent variables include legal pluralism, contradictory land legislation, traditional land laws without written records or Clear land boundaries, insufficient dissemination of formal laws, insufficient implementation of rule of law, inactive mechanism for sanctions and institutional change. Also land actors are considered in independent variable such as investors/companies, developers, public and State. The study is undertaken under the assumption that land use conflict is being influenced to the changes of Independent variables. If changes occur in independent variable will reduce land use conflicts in the rural areas.

Figure 1.1 Conceptual Framework on land use conflicts and livelihoods of smallholder farmers.



Source: Wehrmann 2005 (modified)

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

This chapter presents the methodology which was applied in conducting the study. The aspects include the study area, research design, sample size and sampling procedures, data collection methods and data processing and analysis.

3.1 Description of the Study Area

The study was conducted in Ulanga District in Morogoro Region. Ulanga district is the largest district in Morogoro region being 33.6 percent of the total regional area. The district is located on the western side of Morogoro Region. The district lies between latitudes 9° 00' 00" South of the Equator and between longitudes 36° 40' 00" East of Greenwich. Ulanga District is one of the five administrative districts of Morogoro Region. Other districts are Morogoro, Kilosa, Mvomero and Kilombero. The district covers an area of 24,460 square Kilometres out of which 4,458.96 hectare is arable land, and 4,927 square kilometers are covered by forest reserves covered while 578,665 hectares is residential area. The main ethnic groups are Pogoro, Ndamba and Bena.

Administratively the district consists of five divisions namely; Malinyi, Mtimbira, Lupiro, Vigoi and Mwaya. Malinyi division comprises of four wards namely Kilosakwa Mpepo Ngoherenga, Biro, and Malinyi wards. Mtimbira division consist of Sofi, Usangule and Mtimbira, Itete and Iragua wards. Lupiro division is made up of Lupiro and Kichangani wards whereas Vigoi consist of Msogezi and Vigoi wards. Mwaya division consists of Lukonde, Mwaya, Mbuga Chibibora, Euga Ruaha and Sali wards.

The Ulanga District is bordered to the north and west by the Kilombero District, to the east by the Lindi Region and to the south by the Region. According to the 2002 national population and housing census, the district had total population of 194,209. The overall district statistics show that 74.7% of labor force is engaged in agriculture, 15.3% as non-agriculture, 7.5% as employees, 2.2% as family workers and 0.3% in the rest of the categories. The main economic activities conducted at

3.2 Research Design

Research design refers to the means used to find out what the researcher would like to achieve in the study. A research design is the outline or plan that is used to generate answers to research problem. Kothari, (2004:31) defined research design as the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research purpose with economy in procedure. It constitutes the blue print for collection, measurement, analysis of data and report production. The importance of research design is to control the research variables and minimize chances of extraneous variables that may interfere with variables selected for the study (Creswel, 2003).

For the sake of this study, descriptive research design was adopted. The rationale for selecting this type of research design stemmed from the ground that it enabled the researcher to describe the situation of land use conflict and its impacts to the smallholder farmers. A descriptive research design is a fact finding investigation with adequate interpretation; it is a simplest type of research. It is more specific as it focuses on particular aspects or dimensions of the problem studied (Krishnaswami 1998). The selected villages represented other villages and therefore the conclusion covered the whole district of Ulanga. The selection of six villages will be done from the listed villages. These villages represent a community with mixed settlement features with mixed experience, age and education.

3.3 Sampling Technique and Sample Size

Sample size is an exact number of items selected from a population to constitute a sample (Adam and Kamuzora, 2008). A Sample of 148 respondents of the affected areas was involved in this study whereby 120 were smallholder farmer's households. These farmers were selected randomly especially in villages affected with Teak plantations and Wild Footprint company Ltd. Also 28 were the local government leaders from the district to the village leaders including 6 village Executive Officers, 6 Village Chairpersons, 12 chairpersons of sub-villages, 1 District Land officer, 1 District Planning Officer, 1 District Agricultural Officer and 1 District Community Development Officer.

Table 3.2, Sample Size and Sampling

Category of respondent	Number of respondents
District Land officer	1
District Agricultural Officer	1
District Community Development Officer	1
District Planning Officer	1
Village Chairpersons	6
Village Executive Officer	6
Sub village Chairpersons	12
Smallholder farmers households	120
Total	148

Source: Researchers construct 2013

Randomly sampling was used for the selection of three wards out of 24 in the district under the study. Only two villages per each ward in the three wards were selected and sampling units was targeting the sample size of 120 smallholder farmers' households.

The Sample was obtained through simple random sampling and purposeful sampling procedures. Randomly sampling was done through having written pieces of paper which contained the names of the villages from the three selected wards. Then they were picked randomly and the picked villages were involved for the research.

Purposive sampling was applied in collection of data from specific people due to their necessity. Purposive sampling is common techniques used in researches due to lack of accurate and up to date sampling frames. Frankfort Nachmias, (1996) and Kothari, (2004) added that social science researchers subjectively select purposive samples (occasionally referred to as judgmental samples) in an attempt to obtain a sample that appears to be representative of the population. In this study purposive sampling was used due to the fact that the researcher intended to get the accurate information concerning land use conflicts from the District officers and village leaders of affected villages in Ulanga District.

3.4 Methods of Data Collection

It has been asserted by Shipman, (1995) that no single technique or instrument is adequate in itself in collecting valid and reliable data. This being the fact various data collection techniques were employed in the study to ensure validity of the information. In this research quantitative data was used to collect through primary and secondary data. Data will be collected through interviews by using a structured questionnaire with both close- ended and Open-ended questions basing on the specific objectives. In the case of open ended questionnaires; respondents are given no set of possible answers.

Kitch and Tate, (2000) defined a closed questionnaire as where the respondent is given a set of answers, one of which they must choose as the most representative of their facts/views. Closed ended questionnaire will offer the respondent the opportunity of selecting one or more response choices from a number provided to him or her.

Focus Group Discussion, using checklist and direct observation were used to quantitative information to supplement data. Also other sources were used to obtain the data including, report from other projects done in Ulanga District, from NGOs and internet searching. The choice of multiple techniques for data collection is helpful in cross-checking the authenticity and ensuring validity of data since one instrument complements the other (Best and Khan, 2004).

3.4.1 Interview

Kothari, (1992) defines this method as the method of collecting data that involves presentation of oral-verbal stimuli and reply in terms of oral-verbal responses.

The Interview method will be used to collect data from the key respondents who were the smallholder farmers of the particular villages affected by land use conflict, village and sub village leaders respectively, while non key respondents were Ulanga district officers including District Land officer, District Agriculture Officer, District planning officer and District Community Development officer. The method allowed face to face interaction and helps to observe the respondent facial expressions while

answering the question. Facial expression helped the researcher to observe the extent on how the smallholder farmers have been affected in deep.

3.4.2 Questionnaire

Questionnaire was administered to Ulanga District Officers, including District Land officer, District Planning Officer, District Agricultural Officer, District Community Development Officer and smallholder farmer's households. According to Strydom *et al* (1998:152-1530) different types of questionnaires can be identified .A mailed questionnaire, telephone questionnaire and personal questionnaire. For the case of this study the researcher employed personal questionnaire where the questionnaire were handled to the respondent who completed it on his/her own while the researcher was available for in case problems are experienced. Moreover mailed and telephone questionnaires were not used due to poverty of the respondents in the study area.

3.4.3 Observation

Kothari, (1992) explains it as the way through which information is sought by way of investigators own direct observation without asking from the respondents.

The researcher used direct and indirect observation through overt and covert process by employing sense organs especially during face to face interview to household members with other respondents. Direct observation was involved straight observation by researcher without asking from the respondents. That helped to eliminate biasness. Also the information obtained under this method relates to what was currently happening. Moreover the method was independent of respondents' willingness to respond and as such was a relatively less demanding of active cooperation on the part of respondents. Indirect observation is the method whereby the researcher must rely on the reported observation (including self observations) of others.

3.4.4 Focus group discussion

A focus group discussion is a discussion of approximately 6-12 people guided by facilitator, during which group member talk freely and spontaneously about a certain topic at hand.

As contended by Gibbs,(1997), this method or technique is useful for exploring attitudes, ideas, concepts and perceptions or feelings toward certain existing phenomenon and to draw out precise issues that may be unknown to the researchers.

3.4.5 Documentary review

This method was used to get the intended data through reading various written documents such as books, journals, official reports, statistical reports, libraries and other sources from the department of land and planning, department of Community Development of the District.

3.5 Data processing and analysis

This section deals with the presentation and analysis of the findings. The analysis and interpretation of findings were produced for the purpose of correlating the findings with the prior asked research questions.

Qualitative data from structured questionnaires were sorted, coded, edited and summarized using the Statistical Packages for Social Science (SPSS) software was used to enter data collected from households using questionnaires. Qualitative data was analyzed, presented and interpreted in a coherent manner with research questions. Descriptive statistic including frequencies, percentages and cross tabulation and tables were determined to describe the findings.

CHAPTER FOUR

FINDINGS AND DISCUSSION

4.0 Introduction

This chapter gives demography and social economic background of the respondents in terms of age, sex, and marital status, level of education, occupation and experience of the respondents. The second part of the chapter provides the reasons for contradictions on land use conflicts in Ulanga District. The third part of the chapter examines the mechanisms used to combat the problem of land conflicts in the study area and the last section of the chapter concluded by giving suggestions of the respondents to the government, policy makers and other stakeholders to the issue of land conflicts.

4.1 Demographic Characteristics of the Sampled Respondents

The characteristics of given respondents have important social and economic implications towards factors influencing land use conflicts and livelihoods of smallholder farmer on the study area. For example, family characteristics of respondents usually influence the volume of the agricultural output. Therefore this section describes the characteristics of sampled respondents, focusing on age, marital status, sex and land acquisition. The section further examines the association of these socio-economic variables with land use conflict.

4.1.1 Age of respondents

The age of interviewed farmers ranged from 15 years to a maximum of 55 and above years. In this response to the questions wanted to establish the age, the majority of them (41.7 %) were found between the age group of 25 to 35 years as shown in Table 4.1.

Table 4.1: Age of respondent

Age group	Frequencies	Percentage
15-25	8	6.7
25-35	50	41.7
35-45	32	26.7
45-55	23	19.2
55-over	7	5.8
Total	120	1000

Source: Researchers construct, 2013

Slightly more than two-fifths (41.5%) of respondents were between the age of 25-35 years, 26.7% between the age of 35-45 years,19.2% were between the age of 19.2,the age between 15-25 were 6.7% and over 65 years were 5.8%(Table 4.1). The mean age indicate that most of the respondents belong to the productive group. Age of the farmer is one of the factors that can explain the level of labour force that could be employed by the household, wealth and decision making all of which affect how the individual works thus age can influence the productivity of individual in resource allocation.

4.1.2 Sex of respondents

It has been noted that in the two categories of farmer's male and female has an opportunity to practice farming, although the participation of male is higher in all category than that of female. On average the participation of male in land use is 56.7% while that of female is 43.3% respectively. Male dominate female on farming activities in the study area. The reason for the observed relationship is due to the fact that women have heavy work; they have to take care of domestic activities in addition to production activities. Thus, the employment status of an individual affects his/her livelihoods directly or indirectly and also his/her productivity

Table 4.2: Sex of respondents

Gender	Frequency	Percent
Male	68	56.7
Female	52	43.3
Total	120	100

Source: Researchers construct, 2013

4.1.3 Marital status of respondents

It was found that 100 (83.3%) of the sampled respondents from the land use conflict areas were married, 19 (15.8%) single and 1 (8%) widowed (Table 4.3). Result from smallholding farmers revealed that 83.3% were married, 15.8% single and 8% respondents were reported widow. This can be an indication that a stable family can concentrate more on production than unstable one therefore most families affected with land use conflicts are married ones thus land use conflicts may influence low crop production and livelihoods of smallholding farmers. Also from these facts, the study concludes that the majority of respondents who participated in this study were married. This implies that most households in Ulanga district are headed by married persons/couples.

Table 4.3: Marital status of respondents

Marital status	Frequency	Percent
Married	100	83.3
Single	19	15.8
Widow	1	8
Total	120	100

Source: Researchers construct, 2013

4.1.4 Education Level of respondents

In this study, the aspect of education was taken as of great importance in studying the impacts of land use conflicts in Ulanga district. This is due to the fact that there is always a conjecture that, the more people are educated the more they have much awareness on various issues pertaining to development (Machumu, 2001).

Educational level of smallholding farmers is considered important for technology adoption and understanding their rights in land ownership (Tesfaye *et al*, 2001). It has been noted that majority of farmers interviewed had primary education. Primary education marked 68 (56.7%) and 21 (17.5%) had secondary education, 20 (16.7%) had informal education, 8 (6.7%) had post-secondary education and 3 (2.5%) had higher education (Table 4.4). Dessalegn, (2008) indicated that the presence of literate people in the household means better access to information and resources, and better social networking.

Results from the smallholding farmers revealed that 44.2% respondents have primary education, 25.0% informal education, 20.0% secondary education, 6.7% of them had post-secondary and 2.5% had higher education. Aman *et al*, (2005) argued that education contributes total agriculture output and property ownership in Tanzania, in the other hand observed that education is more important than economic factors as determinant of technology adoption. In his article, Isaac Quartey, (2011) contended that educated people can bring about accelerated development. He described two dimensions of economic functions of education being quantitative and qualitative, and that in quantitative dimension education produces the quantum of manpower that the economy needs anytime. Isaac continue saying that education imparts know what and know how. Thus successful development requires a broad education base of the rural population.

Table 4.4: Education level of respondents

Education level	Frequency	Percentage
Informal education	20	16.7
Primary education	68	56.7
Secondary education	21	17.5
Post-secondary education	8	6.7
Higher education	3	2.5
Total	120	100.0

Source: Researchers construct 2013

4.1.5 Source of income

Types of source of income determine the fate in land use conflict in the study area. Source of income is therefore providing the direction on who have more chance to access and own land as far as contributions are concerned because sometimes it may have cost implication which may have an impact on land use conflict.

Table 4.5: Source of income in family household

Source of income	Frequency	Percent
Farming	77	64.2
Salary wage	24	20.0
Income generating project	19	15.8
Total	120	100.0

Source: Researchers construct, 2013

Results from findings (table 4.5) shows that 77 (64.2%) of respondents depend on farming, salary wage contained 24 (20.0%) and income generation project takes 19 (15.8%). This implies that the majority of them have low education level that could not allow them to be employed in various organizations. This implies that large number of the people depends on small scale farming (64.2%). Also 20.0% of the respondents were depending on salary at the sometimes involve in farming includes teachers, nurses and others. Few of them 15.8% were involving in other income generating projects like carpentry, masons, saloons etc. For this case land is seen as the most resource for development in the study area. Therefore land use conflicts affect the mass of smallholding farmers in the study area (Ulanga district).

4.2 State of land ownership in Ulanga District

Before colonialism landholding in Ulanga district was based on customary laws of the different tribes living in the area. Title to the land was based on traditions and customs of respective tribes. Ownership of land was communal, owned by family, clan or tribe. Chiefs, headmen and elders had the powers of land administration in trust for the community. These powers continued through the colonial era though they were limited by the newly introduced German and later British land tenure system under which all lands were declared to be crown and public lands respectively. The customary land tenure is still in place, but since 1963 the chiefs, headmen and elders have been replaced by elected village councils.

4.2.1 Possession of piece of land

Land is one of the most important resources in rural and urban areas. Land ownership involves the right to hold the piece of land and use it for the benefits of your family. From the study findings it was found that 110 (91.7%) of respondents possessed a piece of land and 10 (8.3%) do not possess a piece of land permanently. They use to hire from the indigenous of the particular areas. This reveals that though the villagers said that they own the pieces of land but they don't have title deed for owning those pieces of land. Study conducted by Yamano and Deininger, (2005) stated that unregistered pieces of land have pending conflicts compared to registered pieces of land.

They continued by setting example that 9.2 percent of unregistered pieces of land have the possibility of conflict, while only 3.5 percent of the registered pieces of land have pending conflicts. This implies that there are possibilities of rural peoples to lose their pieces of land which are unregistered. Good example has been shown in some parts of Ulanga district whereby its people are in conflict on land with Kilombero Valley Teak Company and Footprints Ltd. These conflicts happened due to lack of registering their pieces of land.

Table 4.6: Possession of piece of land

Possession of piece of land	Frequency	Percent
Yes	110	91.7
No	10	8.3
Total	120	100.0

Source: Researchers construct, 2013

4.2.2 Size of possessed land

This aspect of land size gives the ability of small farmers many products or few products. Results from the respondents shows that 108(91.7%) have more than 1 acre while 12(10.0%) have less than 1 acre. In general all interviewed respondents have no more than 5 acres. Through talking with the interviewers they mentioned that they possess small size of land because their land has been taken by investors including KVTC and Footprint Ltd. This makes the small farmers to cultivate in small pieces of land which resulted to few crops and famine to the natives of Ulanga district.

Table 4.7: Size of possessed land

Land size	Frequency	Percent
More than 1 acre	108	90.0
Less than 1 acre	12	10.0
Total	120	100.0

Source: Researchers construct 2013

4.2.3 Land acquisition

The type of land acquisition revealed the right of ownership and utilizing the land. In most rural areas land is owned without having the right of doing so. People own land through inheritance from their parents/grand parents, sometimes they bought without having title deed.

Moreover they are given by village government leaders without having title deed. This promotes land use conflicts with the invaders includes investors and pastoralists.

Table 4. 8: Mode of land acquisition

Mode of land acquisition	Frequency	Percent
Inherited	40	33.3
Bought	40	33.3
Given by village government	23	19.2
Accessed free	17	14.2
Total	120	100.0

Source: Researchers construct, 2013

Table 8.Indicates that 40 (33.3%) inherited land from their parents or other relatives after their death or being old aged, again 40 (33.3%) have received land through buying from the natives of the area. Also the village government provided 23 (19.2%) to the new comers in the specific areas. Lastly 17 (14.2%) were given land free either by the village government or their relatives. From the (table 4.8) implies that the big number of the people received land through inheritance and buying which contained 33.3% to each mode. Moreover other villagers received land through village government which takes 19.2%. Village governments involve in giving land to the investors, pastoralists, to the villagers themselves due to increasing number of population and other new comers in their living areas. In addition to that other people received land through free access in the district. This happened when there are areas which were not used; therefore the village government can decide to distribute to its citizens.

4.2.4 Ownership of land title deed

Land title deed is one of the vital aspects in land ownership and its utilization. This gives the owner of that land a chance to utilize at any time with difference uses. In most rural areas land title deed is a big problem. Most of the villagers own land without having title deed to them. Kironde, (2009) stated that Only about 2% of rural land, and 20% of urban land carries titles, or has a potential to have titles (i.e. it is planned).

This provides the room to investors or other new comers in the village to grab land from the villagers whom most of them were the small farmers with low income.

Table 4. 9: Ownership of land title deed

Title deed	Frequency	Percent
Yes	3	2.5
No	117	97.5
Total	120	100.0

Source: Researchers construct 2013

Table 9 illustrates that 117(97.5%) of respondents said that they don't have land title deed while only 3(2.5%) of respondents indicated that they have title deed. This implies that most of the rural dweller they lack land title deed as evidenced with table 4.9 results. For this case gives much chance to land invaders (investors) to take hold of their land even without their permission.

The study conducted by Frontier Tanzania Savanna Research Programme, (2000) on the "Ecological monitoring of the effect of a new teak plantation on a large-mammal community in the Kilombero Valley, Tanzania" showed that the red-brown, sandy-clay loam soils between the floodplain and surrounding hills provide ideal conditions for teak growth. Kilombero Valley Teak Company acquired 28 229 ha of land from Ulanga district which is suitable for teak growth. People who were cultivating in those areas were evicted with no payment because they had no title deed of owning land. *"That action affected our economic development because our lives depend on that valley for cultivating cash crops and food crops"* said one man who was very sad for that situation.

4.2.5 Reasons for having no land title deed

Land in Tanzania especially in rural areas and many other parts of the world is a source to so many conflicts. This is manifested through the wide spread political instability in many African countries which is sometimes takes as the consequences of the general elections sentiments in those countries but in real sense the issue of land is at the heart of those conflicts (HakiArdhi,2009).

The findings obtained from respondents as a response to a question that needed to know the reasons that cause the villagers to have no land title deed are given in Table 10.

Table 4.10: Reasons for having no land title deed

Reasons	Frequency	Percent
They don't have such services in their area	66	55.0
The service is very expensive	24	20.0
They don't have idea on land title deed	16	13.3
It has long process/procedure	14	11.7
Total	120	100.0

Source: Field data, 2013

According to the findings obtained in Table 4.10 revealed that 66 (55.0 %) of respondents said that they don't have the services dealing with land registering (title deed). This implies that these services are available in town areas, therefore it becomes difficult for the rural poor to access the service. The study done by Takashi Y, and Deininger K, (2005) on Land Conflicts in Kenya showed that that the unregistered pieces of land have pending conflicts very high percent, than the registered pieces of land. Households are more worried about future conflicts on unregistered land than registered pieces of land. HakiArdhi, (2009) added that most of the rural dwellers have not registered their pieces of land because of lacking awareness.

Also from the findings showed that 24 (20.0%) respondents said that the service of registering land is so expensive to them. The villagers are living in poor life and remote areas while the service is obtained in the head quarter of the district. One of the respondent said that *"It costs a lot of money to register our pieces of land. If you want to register you should have enough money for bus fee, to lodge, to eat and to pay fee for registering your land. This situation makes many rural people to unregister their lands"*

According to the findings in table 10 revealed that 16 (13.3%) of respondents said that they don't have an idea on land title deed. This indicates that most of the rural people have not enough education on land right. Under this circumstance it would be so easy to the invaders (investors) to grab the land from the smallholder farmers.

Moreover 14 (11.7%) of respondents said that registering land takes long process and needs enough money. They said when you go to the responsible offices; it does not mean that you finish the service on the same day.

4.2.6 Education on land ownership

According to the findings of this study reveals that 100 (83.3%) of respondents have not received any kind of education/training on land ownership. This implies that they have no ideas on land rights, land law and land policy. HakiArdhi, (2005) stated that lack of public awareness and knowledge on land rights and laws makes the small farmers in terrible. Continued by saying that although land Act No. 4 and Village land Act No. 5, 1999 have marked a decade since their enactment, still the two pieces are not yet known to majority land users. URT, 2007a:3 indicated that Implementers at the local level have not yet received training in the new procedures for administration and titling that the Village Land Act. They added that part of the problem is that the land sector is not a priority in most District Councils, and there is therefore an acute lack of budgets for different land activities.

The study conducted by Kironde, (2006) on “Security of Tenure as a Basic Human Right and Necessary Input into Poverty Alleviation Strategies in Tanzania” shows that the majority of Tanzania’s have no knowledge in Land Policy, Land Act, and Land Acquisition Act while others they have partly knowledge as shown in the table below.

Table 4.11 Knowledge of Land Laws and Procedures

Policy/Legislation	How knowledgeable (Percentage) (N=200)		
	Know very well	Partly knowledgeable	Do not know at all
Land Policy	3.5	18.5	78.0
Land Act	3.0	14.5	82.5
Land Acquisition Act	3.0	7.5	89.5
Town Planning Ordinance	2.5	12.5	85.0

Source: Kironde (2006)

On the other hand the findings shows that only 20 (16.7%) have got education/training on land ownership. This reveals that probably, those who obtained training/education on land ownership would be the immigrants/new comers of the villages where the research was conducted.

Table 4.12: Education on land ownership

Education on land ownership	Frequency	Percent
YES	20	16.7
NO	100	83.3
Total	120	100.0

Source: Researchers construct, 2013

4.2.7 Education/training based in which area

The results from the table below (4.13) shows that 11(9.2%) have got education/training on awareness of land ownership. Then 5 (4.2%) have got education on the rights of land ownership and 5 (4.2%) have got education on having land title deed. For these results give a picture that most of the rural Tanzanians are lacking education to land rights, policy and laws that guide their possession. As a result from the findings show only few people got education/training on land right ownership.

Also the result reveals that the majority of respondents 99 (82.5%) have not received any education/training on land ownership. Sundet, (1997) stated that most of the rural people in Tanzania have no enough education on land rights and ownership. He continued by saying that even implementers at the local level have not yet received training in land ownership procedures due to lack of enough budget.

Table 4.13: Training and education obtained

Education/training given	Frequency	Percent
Awareness on land ownership	11	9.2
To know rights on land ownership	5	4.2
Encouraged to have land title deed	5	4.2
Have not got any education/training on land	99	82.5
Total	120	100.0

Source: Researchers construct, 2013

4.2.8 Contradictions in owning piece of land

There are several contradictions in owning land in rural areas especially in developing countries. Tanzania is one of the countries whereby most of its people in rural areas possess pieces of land without having rights to own them. As portrayed

by (Kironde, 2009), only about 2% of rural land carries titles, or has a potential to have titles. Since most of the rural citizens lack the rights to possess their pieces of land, such situation gives chance to invaders like investors and pastoralists to take their land which is used to sustain their life. Foreinstance at Itete ward, the villagers were evicted by Wild Footprint Ltd Company which deals with hunting. If the villagers would have land title there land would not taken by the company.

The findings show that only 6 (5.0%) of respondents said that there was no contradictions in owning their pieces of land. These would possibly have customary right or their land is far from the areas grabbed by investors. On the other hand 114 (95.0%) of the respondents in table 11 reveals that there are contradictions in owning their pieces of land. These contradictions happened due to unclear boundaries, lack of involving the indigenous concerning their land, lack of knowledge and education on land rights, Violation of the land laws regulations by the land administrators, incapacity of the decision making organs from the village level to the national level and lack of public awareness and knowledge on land laws.

Porokwa, (2001) stated that many of the decision makers perform poorly due to either poor understanding of the rules and regulations guiding their administration positions or due to personal benefit. For instance most of the village council has entered into several contracts with investors without clear information of the activities which will be done by these investors which in the long run cause conflict with the majority of villagers.

Table 4.14: Contradictions in owning piece of land

Contradictions	Frequency	Percent
YES	114	95.0
NO	6	5.0
Total	120	100.0

Source: Researchers construct, 2013

4.2.9 Possible reasons for contradiction in land ownership

Land in Tanzania and many other parts of the world is a source to so many conflicts HakiArdhi, (2009). Contradictions on land ownership is the main concern in developing countries and Tanzania at large. The governments of many developing

countries and countries in transition are currently investing in the improvement of their land administration. The table below shows the results from the respondents on contradictions in land ownership in the study area.

Table 4.15: Reasons for contradictions in land ownership

Reasons for contradiction	Frequency	Percent
Lack of land title deed	84	70.0
Corruption done by local leaders	17	14.1
Land is taken by investors without involving the natives of a particular area	11	9.2
Contradictions of institutions dealing with land rights/ownership.	8	6.7
Total	120	100.0

Source: Researchers construct, 2013

Findings from table 14, the respondents who answered the question on the reasons for contradictions in land ownership, shows that 84 (70.0%) responded that lack of land title deed causes contradictions in land ownership. Wehrmann, (2008) indicated that land administration authorities dealing with land registration, land information systems, land use planning and land development often lack trained staff, technical infrastructure and financial resources. Land registration/ title deed is considered generally important for conflict prevention and it is noticed that multiple sales of land, state concessions on private land and sales of another's land mostly occurs when land is not registered (*ibid*). Surveying, titling and land registration are panacea for land conflict though they create costs to the poor) Sackey, (2010).

Contradictions on land ownership may happen due to lack of adequate knowledge on land laws, forgery of land ownership documents and inheritance misunderstanding. Some people bought land and never registered the land which in the future may cause dispute.

Also according to the findings 17 (14.1%) of respondents responded that corruption done by local leaders from the district to the village levels resulted to contradictions in land ownership. For instance, most of the villagers at Luviri ward were blaming there village leaders to sell individual and public land (land for social services) of the villagers to the investors without involving them. (Rutaitika, 2008) portrayed

that land conflicts rises due to the irresponsible actions such as poor records keeping, unnecessary bureaucratic, double allocation and corruption to local leaders. In addition, many land administration authorities are threatened by corruption. Given their low salaries and an openness of the people working within these institutions to “motivation payments” they instead contribute to land conflicts (Wehrmann, 2008). Notoriously low wages in the public sector contribute to corrupt behavior by social gatekeepers in the land sector. However, the decisive factor for these irregularities is the “normality of misbehavior”. Nepotism, corruption, and disregard for regulations are considered normal by the population.

The study conducted by HakiArdhi, (2009) on “changing terrain of land use conflicts in Tanzania and the future of small producers” shows that the land administration in Tanzania faced with some land administrators who are corrupt and unfaithful to their works. Due to this fact, many of the land cases emerge from the contradictory decisions done by the land officers.

“Land was no longer allocated for development purposes but as political reward and for speculation purposes. Land grabbing became part and parcel of official grand corruption through which land meant for public purpose has been acquired by individuals and corporations. Instead of playing their role as custodians of public resources including land, county and municipal councils have posed the greatest danger to these resources... The most pronounced land grabbers in these areas were the councilors themselves. The corruption within the central government has been replicated at the local level through the activities and omissions of county and municipal councils” (Wehrmann 2008)

Moreover, 11 (9.2%) of respondents said that the reason for contradictions in land ownership is caused by their land to be taken by investors without involving the natives of a particular area.

In Tanzania this situation is so common, people of different part are blaming the government to be grabbed their land without involving. Sometimes are not paid as compensation of their eviction and if are paid it's not equal with the value of their land. (Sackey, 2010) emphasized that this situation occurs when individuals/company has powerful politically, economically enter into undeveloped (sometimes in use) plots of other people. These are people who, because of their job,

position and faction can manipulate the land market to their advantage. She continued by saying that this happens when there is high demand of land. Some people/companies decide to invade lands which have been left vacant by their original owners or demarcated for social services such as school, hospital and open spaces. Furthermore 8 (6.7%) of respondents said that contradictions of land rights institutions resulted to contradictions in land ownership. (Wehrmann, 2005) stated that situations of institutional change are conflict prone and therefore tend to be phases of increased land conflict. Institutional change (for instance, conflicts due to privatization) or occur much more often and seriously during these times (such as market evictions). Some land conflicts are directly linked to the nature of the institutional change. It needs to be stressed that the functional deficits of institutions are the core reason for land conflicts; they facilitate them. Profit maximization by a multitude of actors is the driving force, manifested either by unjustly grabbing land or by excluding disadvantaged sections of the population from legally using land.

For instance the Ministry of Land will be in charge of administering the implementation of the National Land policy and the Village Land Act, while the Local Government will be the implementers of the Village Land Act. The titling of individual parcels in village land is meant to increase people's economic empowerment. But up to now, there has been slow progress in the implementation of the laws (Adams and Palmer, 2007:50). The Village Land Act, in particular, has simply not been implemented, and the acts have not changed the way that land is administered at the local level (Sundet, 2005:1). Part of the problem is that the land sector is not a priority in most District Councils, and there is therefore an acute lack of budgets for different land activities.

He continued by saying that the majority of rural people in Tanzania rely on a Customary Right of Occupancy a legal right to occupy and use the land that they are now using, but with no official registration or certificate.

Also most of the people lacking awareness and knowledge on land laws. Although land Act No. 4 and Village land Act No. 5, 1999 have marked a decade since their enactment, still the two pieces are not yet known to majority land users. This includes the land Disputes Settlements Act, 2002 (HakiArdhi, 2009).

4.2.10 Land conflict in Ulanga District

From mid eighties, land use conflicts have assumed a different pattern by involving other actors than the state and small groups. As the country opened up for liberalization, we have witnessed an influx of investors who are also interested on land. Large tracks are now being leased or privatized to local and foreign investors for commercial farming, ranching or mining activities. Allocation of such land has brought about serious tensions between local communities and the respective investors for either lack of adequate consultation or forceful eviction of communities without compensation. Land conflicts emerging as a result of economic liberalization are closely linked to what is now called „land grabbing“ by persons in positions of the power or material wealth and influence.

Table 4.16: To show presence of land conflict

Land conflict	Frequency	Percent
YES	106	88.3
NO	14	11.7
Total	120	100.0

Source: Researchers construct 2013

Results from Table 4.16 reveal that 106 (88.3) of respondents said that there is land conflict in their living areas. Tanzania is one of the countries having the issue of land conflict due to the coming of investors especially in rural areas. In Ulanga district the problem of land use conflicts is real a big issue. There is a conflict between smallholder farmers with Kilombero Teak Company, Footprint Ltd and pastoralists in some parts of the district.

Shivji and Kibamba, (2002) emphasized that trends show that there is an increasing influx of investors into the rural areas, which is also posing serious threats on food security for rural based small producers. It is obvious that land use conflicts are going to persist as they take different shape depending on forces of the time. Results

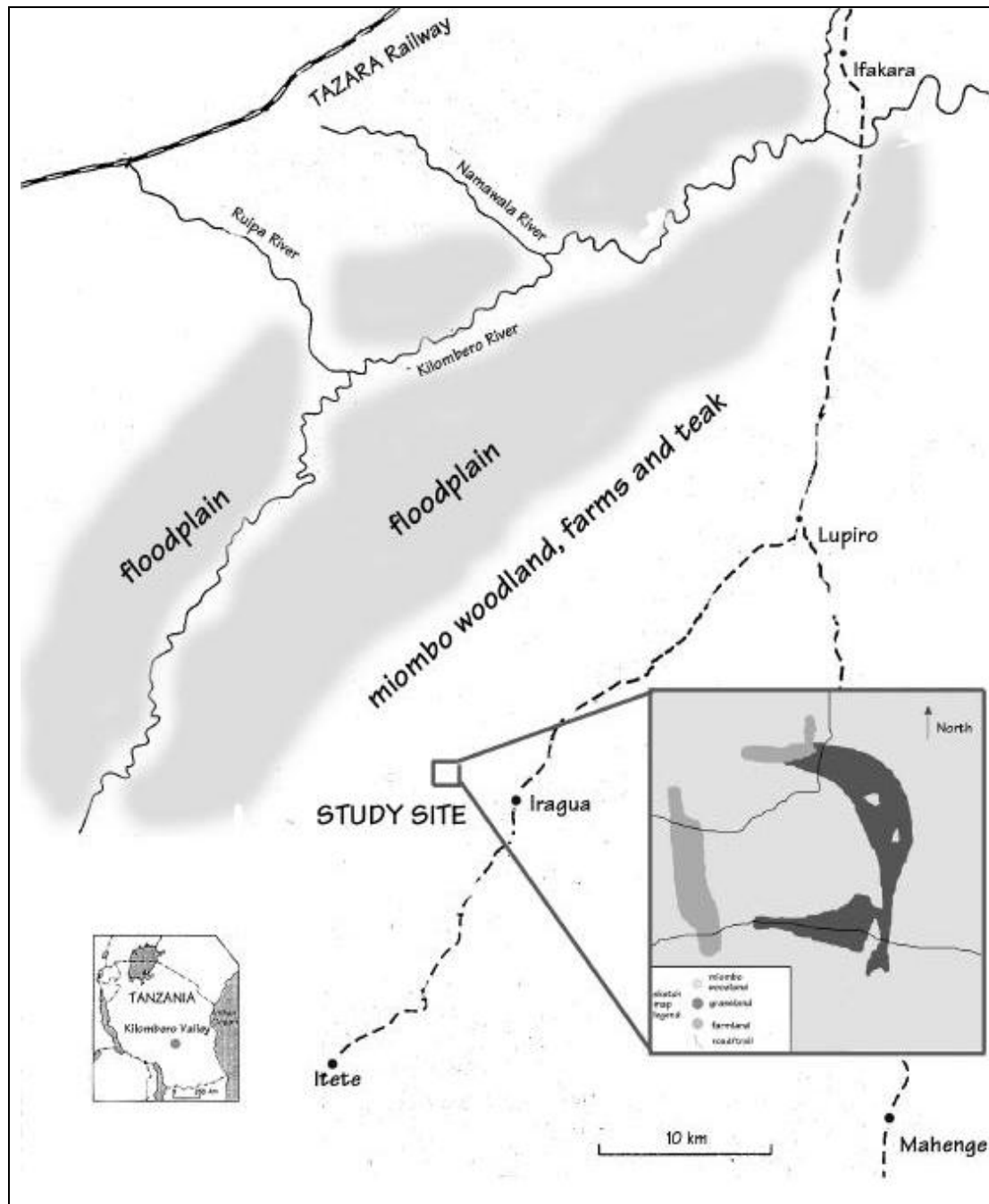
in table 4.16 shows that 14 (11.7%) responded that there was no land conflict in the study area. This implies that there land was far from the areas needed by the investors. It should be noted that not all the area there land has been grabbed by investors. Always the land of the poor, powerless people is the one which can be easily grabbed compared to those who are economically well off and have political influence. Therefore it's possible for the few respondents (11.7%) to have influence in the village or their land was far away from the areas needed by investors.

4.2.11 Conflicts happen with which company/groups

Table 4.17 revealed that 82 (74.2%) of respondents said that conflicts happened between smallholding farmers versus Kilombero Valley Teak Company. This implies that most part of the district is grabbed by the investors from Lupiro division up to some parts of Mtimbira division (Itete ward). (World Bank, 2010a) stipulated that the Tanzanian government has been actively seeking investors in the agricultural sector, with particular emphasis on plantation development. Between 2004 and 2009, roughly 50,000 hectares of agricultural land were transferred to large commercial investors. Most of the land transferred (about 29,000 hectares) will be developed as teak plantations.

HakiArdhi (2009) added that the facts will remain that the foreign investors engaging in the commercial crop production and in mining activities are guided with a log of support from the part of the government. For instance in the biofuel ,timber production the foreign companies are getting more support from the government institutions in acquiring in the village without following the proper underlined producers. Recently there on going conflicts between the villagers and the investors in Ulanga district as the villagers realized that the investors are not fulfilling the promises they offered before. But the reality is that some government officials are paying much more attention to the investors" problems rather than those of the local people. The map below shows the areas affected with Teak plantation.

Figure 4.1: Showing the areas where the villagers conflict with KilomberoTeak Company (KVTC)



Source: (Bekker C *et al* .2003)

Also table 16 shows that 12 (10.0%) that conflicts happens between farmers and pastoralists. It is the most common conflict in different parts of Tanzania.(HakiArdhi, 2009) stated that among those areas are in Kilosa and

Kilombero districts in Morogoro region; Kilindi and handeni districts in Tanga region; and mbarali district in mbeya region to mention the few.

Searching for pastures and water among the pastoralists for their cattle, the farmers are complaining that the cattle are passing in their farms and destroyed their crops. Though some of the pastoralists are arguing that in many areas there no ways or paths for their cattle to pass during the search for pasture and water. But there arose the beliefs among the other users of land that pastoralists ways of keeping livestock is old and does not deserve to survive up recently as result in lack of care for land resulting in soil erosion and other abuses (Shivji and Kapinga, 1988) .

(Baha *et al.* 2008) Added that the tension of land conflict usually exacerbated by increase in livestock numbers and lack of demarcated village boundaries .weak conflict resolution mechanisms contribute to the un-ending land conflict between the farm herders and crop producers. The facts arise from the cases brought for resolution as they sound that the pastoralists have destroyed the farmers; properties (HakiArdhi, 2009). Then, the outcomes of the negotiations are that pastoralists should compensate farmers something which fails to bring about true reconciliation between herders and farmers.

During the land conflict many people are escaping their areas of production due to fear and insecurity. This makes them stop engaging in agricultural production and livestock keeping which leads to the decline of food production and eventually hunger.

Table 4.17: Company/groups involve in land conflict

Company/group	Frequency	Percent
Smallholding farmers versus KVTC	82	74.2
Smallholding farmers versus pastoralists	12	10.0
Wild Footprint Ltd	19	15.8
Total	120	100.0

Source: Researchers construct, 2013

On the other hand 19 (15.8%) of the respondents said that conflict involved smallholding farmers versus Wild Footprint Ltd. This conflict happened at Itete ward which is in Mtimbira division.

The land of small farmers has been taken by Wild Footprint Ltd Company which deals with hunting. That conflict caused deaths, damage of properties and eviction of small farmers from their pieces of lands. There is no proper and effective participation and consultation of the villagers when they village land taken and given to the investors for hunting or for any other activity. There is the tendency of some leaders in the government institutions to force the villagers to give their land to the investors and sometimes these decisions reached without being informed. The villagers no longer possess power over their land through their own elected leaders. The top leaders at the district are making decisions on their behalf and they are not required to question the legitimacy of those decisions HakiArdhi, (2009).Figure 4.2: Case study on Land conflict between the villagers and Wild footprint Ltd Company at Itete Ward

Background information

This is the Report of the Commissioner (of the Commission for Human Rights and Good Governance (CHRAGG) in the Republic of Tanzania) assigned to investigate and mediate in the conflict between the Itete People and Mr Ryan Shallom a professional hunter and investor whose company – Wild Footprints Ltd – based in Dar es Salaam was licensed to hunt in the Ulanga Game Reserve at Ulanga District. This Ulanga Land Conflict ensued because land of the people in Itete District was being expropriated by Mr. Shallom Company; the villagers were forced out of their land; abused and assaulted; their properties were destroyed; and they were accused of illegally occupying the land which was part of the Game Reserve. The people of Itete ward represented by the Member of Parliament of Ulanga West Hon. Juma Ngasongwa, laid a formal complaint to the Commission for Human Rights and Good Governance (CHRAGG) since its previous complaint to offices of the District Commissioner of Ulanga District and his boss, the Regional Commissioner of Morogoro were ignored. In their complaint, the following concerns were therefore raised in relation to the Ulanga Land conflict:

The Wild Footprints Ltd Company arbitrarily altered the Boundaries of Itete Ulanga Game Reserves encroaching into the Villages bordering the Game Reserve.

Mr. Shallom allegedly committed a wide range of Human Rights Violations such as Arson and the destruction of properties of villagers, Assault of the Villagers, and

The Wild Footprint Ltd Company was protected by the police and other public officials against the people whose lands were illegally usurped by the Company as part of the Ulanga Game Reserve.

The Commission found out that:

Mr Shallom and his Company had license to hunt in the Game Reserve;

The company arbitrarily changed the Game Reserve borders encroaching into villages;

The District Commissioner encouraged Mr Shallom to destroy the property of the villagers;

The land occupied by the villagers was legally their own; and

That his actions amounted to Arson, Abuse, Destruction of property, Assault, and the use of public officials to perpetuate human rights violations in the area.

The Commission used its mandate according to Section 25 (d) No. 7 of the Human Rights and Good Governance Act (2001) to declare an INTERIM ORDER which declared that the land (in question) belonged to the Itete people legally, hence they could remain and continue their lives there. Thus investigations proved that the complainants were right and that Mr Shallom had violated the Rights of the villagers of Itete Ward.

Source: *Ulanga District Council report, (2009).*

Though the commission allowed the villagers to have their pieces of land but the problem still exist in the area. Up to this moment they are not cultivating in that area.

4.3 Reasons for land conflict in Ulanga district

The main cause of land conflicts in Ulanga district attributed by many factors as follows. Results from the study area shows that 75 (61%) of respondents responded that no clear demarcations of village land is the main cause for land conflict in Ulanga district. Most of the villages are not yet registered, have no village certificate and they have no clear boundaries, this situation gives the room to the investors and other new comers to grab village land. Mukandala,(2008) pointed out that although the number of surveyed villages is high, this must be taken as preliminary survey, whereby a lot of work has still to be done to comply with the requirements of the Village Land Act (eg on adjacent villages agreeing on boundaries) and the Land Surveying Ordinance. This gives the picture why the Certificates of Village Land issued are still few. Sackey, (2010) added that unclear boundaries are the cause for conflicts particularly in unplanned areas. Unsurveyed plots normally do not have clear boundaries and may lead to conflict. In such areas people indicates boundaries with landmarks like stones and growing trees. After sometimes these marks get destroyed or transferred which resulted in boundary conflicts.

HakiArdhi, (2009) indicated that lack of clear demarcation of land among land users simply due to the lack of clear boundary. Although the Land Act No. 4 and Village land Act No. 5, 1999 requires every village to have in place boundaries, many villages have not been able to implement this due to various obstacles one being prevalence of the boundary conflicts between the villages. This contributes to continued interference of one group land by the other without knowledge of either side or sometimes deliberately by group which is knowledgeable.

Findings in Table 4.18 shows that 17 (14.2%) of the respondents said that the reason for land conflict is due to lack of land title deed to smallholding farmers. Most of the rural dwellers do not have land title deed to their pieces of land.

This happens due to lack of the service because those services are situated in town areas, sometimes the process of getting title deed is very costful, therefore the rural people cannot afford them. (Kilonde , 2009) indicated that most land in Tanzania are not documented or mapped to facilitate land transactions because only 150,000 land parcels are registered. Registration of land in rural areas under customary land only commenced with the Mbozi Pilot District in 2004. Consequently 90% of Tanzanians cannot be located through the property registration system which would allow them to gain access to collateral based credit and exercise their rights as contracting parties and citizens. The land registration procedures are slow, costly and expensive for firms, private individuals and the poor (ibid).

Registration of land might have increased tenure security for many land owners. On the other hand the high cost of registration has discouraged updating the registrations after land transactions, such as inheritance and sales (Shipton, 1988).

Too few documents, inadequate site inspections, fake land titles, inadequate field surveys, land title lost or claimed lost, Village Authorities give false information, insufficient follow-up by land officials on court decisions, inadequate land registration, squatters with no tax documents, ID and Family Registration inadequate, land transfer registration inadequate, inadequate time for registration work (Jones *et al* 2007).

Most property rights in Land in Tanzania are not documented or mapped to facilitate land transactions because only 150,000 land parcels are registered in Tanzania. Registration of land in rural areas under customary land only commenced with the Mbozi Pilot District in 2004. Consequently 90% of Tanzanians cannot be located through the property registration system which would allow them to gain access to collateral - based credit and exercise their rights as contracting parties and citizens. The land registration procedures are slow, costly and expensive for firms, private individuals and the poor.

Lack of knowledge on land rights among the community members is a big factor for conflicts. Shivji, 1998 stated that from the mid 1980s up to the early 2000s there was poor understanding of various issues pertaining to the right of communities over the

land. This was due to few Non-governmental Organizations (NGOs) operated locally in the capacity building programmes in multiple issues such understanding of the various laws such as Land Laws enacted in 1999 and human rights issues. Therefore many villagers provided their outsized piece of land to the investors without knowledge. As the people are becoming aware to their rights many conflicts are coming to existence everyday (*ibid*).

Table 4.18: Reasons for land conflict

Reasons for land conflicts	Frequency	Percent
No clear demarcations of village land	74	61.7
Lack of land title deed to smallholding farmers	17	14.2
Contradiction of national land policy, village land Act and Investment policy	14	11.7
Lack of involvement of smallholder farmers in land planning.	15	12.5
Total	120	100.0

Source: Researchers construct, 2013

As revealed in table 4.18 that 14 (11.7%) of respondents showed that contradictions of land caused by having many institutions dealing with land issues which contradicts with investment policy like national land policy, village land Act, Tanzanian Constitution and national land Act . Tanzania had a land tenure legislation, Land Act and Village land Act, so as to replace the colonial Land Ordinance in 1923 after Cabinet's approval of the National Land Policy in 1995. The Land Act covers fundamental principles and land rights on general in all areas of the country. The Village Land Act deals strictly with land within village areas. This includes the systems for management and administration of village land as well as land dispute settlement at the village level. The spirit of the Land Policy (1995) and the Land Act (1999) in this regard is to guarantee public rights in land use (Kombe ,2010). The National Land Policy was published and formed the foundation for the new Land Laws (Tanzania, 1995).The National Land Policy and the Land Laws addresses issues of: Land tenure, promotion of equitable distribution of land access to land by all citizens; improvement of land delivery systems; promotion of sound land information management; recognition of rights in unplanned areas; establishment of cost effective mechanisms of land survey and housing for low income families; improvement of efficiency in land management and administration

and land disputes resolution, and protection of land resources from degradation for sustainable development (Silayo, 2004).

In addition the Land Acquisition Act 1967, regulates in which way the state are allowed to acquire private land, including land held by villagers; the Courts (Land Dispute Settlements) Act 2002 gives guidance on land dispute resolution; and the Forest Act 2002 enables villagers to declare their own village forest reserves on land within the village area. On top of these, the Local Government (District Authorities) Act 1982 and the Local Government (Urban Authorities) Act are crucial (Kironde, 2009). Therefore all these institutions are dealing with land ownership rights.

On the other hand lack of planning and co-ordination at the national level (including poor maps) as well as misconception among local people with regard to both land ownership and legal rights over land increases contradictions on land ownership (Kulindwa *et al*, 2003:91-92).

Investment Policy encourages the external and internal investors to invest in Tanzania which is clearly goes against with other institutions dealing with land rights like Village land Act, Land Act, Tanzania Constitution and National Land Policy.

The 1997 Tanzania Investment Act allows non-citizens to own land for the purpose of investment. The 2004 Land (Amendment) Act permits the sale of bare land and allows mortgage financing as a means of encouraging domestic and foreign investment. The Tanzania Land Bank Scheme was created under the Investment Act. Land is identified as suitable for investment and brokered by the Tanzania Investment Centre. As of 2005, 2.5 million hectares of land were identified as available for investment (Odgaard 2006, World Bank, 2010a).

Lack of involvement of smallholder farmers in land planning and laws/policy formulation has also mentioned by the respondents as a reason for land conflict in Ulanga district seen in table 4.18 that 15 (12.5%) of respondents answered this question. (HakiArdhi, 2009) contributed that lack of peoples' participation during policy and laws formation and land planning even when they are invited their views are not given high priority.

Views and demands of the citizens are not taken and included in the laws which lead to the occurrence of the new land conflict source being the laws. One respondent said that *“this land is invaluable to us, to our lives and the lives of our children, without it we cannot survive, in the city where there is no employment where the rich are getting richer and the poor poorer”*.

4.4 The system of land administration in Ulanga district

Land administration system is a means by which land policies are implemented at required levels. It requires establishment of formal institutions and provision of guidelines that determine roles and responsibilities of different bodies that take part in policy implementation.

All land in Tanzania is considered public land, which the President holds as trustee for the people. The table below 4.19 shows that 84 (70.0%) of respondent said that land system in Ulanga district is being administered through the village council, ward council and district council under the land laws, Tanzania constitution, Village Land Act, National Land Policy and president trustee. The rural authorities are the district councils, township councils and village councils. District councils coordinate the activities of the township authorities and village councils, approve village council bylaws and coordinate land use planning district-wide (GOT 2010g).

(CLGF, 2006) added that the village councils and township councils have the responsibility for formulating plans for their areas, managing village forest reserves and collecting revenue. Village councils are elected by the village assembly, which includes all adult residents. One-quarter of the council must be female. The urban and district councils are comprised of members elected from each ward, plus women appointed by the National Electoral Commission in proportion to the number of elected positions held on the council (not less than one-third).

The village council is responsible for making decisions about village land use and land allocations. A village adjudication committee marks land boundaries, sets aside land for rights-of-way and settles boundary disputes between villagers. The power of allocation of village land by the village council is, however, subject to the approval of the village assembly, which is the supreme authority on all matters of general

policy-making in relation to the affairs of the village. The village council's authority is also circumscribed by the district council, which will hear appeals from decisions of the village council, and by the Land Commissioner (GOT Village Land Act 1999b; Maoulidi, 2006).

GOT Village Land Act 1999b; Bell, 2003) portrayed that although the governance structure is designed to foster decentralized administration of land, the central government continues to exercise significant authority over land through the Land Commissioner and, to a lesser extent, the district councils. For example, decisions of the village allocation committee must be approved by the Land Commissioner, and the Commissioner has, for example, the power to change the classification of a parcel, including converting village land to general land to prepare the way for commercial development. The law requires consultation with the village council, but council approval is assumed. In many areas, village councils are also constrained in exercising their authority and responsibilities by their lack of knowledge of the land laws and procedures generally, and obligations regarding women's land rights in particular.

Table 4.19: Land administration system in Ulanga District

Land administration system	Frequency	Percent
Through Village, Ward and District council	84	70.0
Through the President of the United Republic of Tanzania	36	30.0
Total	120	100.0

Source: Researchers construct, 2013

On the other hand table 4.19 stipulates that 36 (30.0%) of the respondents responded that land administration is being administered by the President of the United Republic of Tanzania. Sundet, (2005) indicated that while the President of Tanzania serves as the trustee of all land and is responsible for allocations of general land, these responsibilities are generally executed by the Ministry of Lands and Human Settlement Development (MLHSD). He continued by saying that the Ministry has three divisions: the Survey and Mapping Division, Land Development Services Division, and Human Settlements Development Division. The Ministry directs the establishment of land policy and planning and is responsible for administering reserved land and general land, including the allocation of granted occupancy rights

and management of the country's land resources. A Commissioner of Lands executes most of the ministry's responsibilities (GOT Land Act 1999a; WWG 2004; GOT, 2010g).

4.5 Strategies taken to solve the problem of land conflict

Strategies to overcome land conflict needs extra attention compared to other conflicts in the country. The reason is due to the fact that the security of the state may be at the tension if these conflicts will be left to increase the day after day. Therefore the following below are the recommended possible strategies to the land use conflict in Ulanga district. Table 4.20 shows that 26 (21.7%) of respondents respondent that one of the strategy is having village committee dealing with land rights in the village. Kironde, (2009) stated that the Land Use Planning Act 2007 has created a framework for the planning of rural land Village Councils and committee are Planning authorities for their areas and village land use plans are prepared in a transparent and participatory manner.

In an effort to solve land problems the newly elected government of President Jakaya Kikwete required all local authorities to set up ad-hoc committees to receive and address land problems from the public within four weeks from 4th May to 1st June 2006.

The Committee was directed to perform the work by considering the following terms

- To listen and analyze citizen's complaints in order to understand problems
- To direct what should be done in order to solve the problem
- To prepare a list of all officials who were responsible for creating the land conflicts especially in land allocation so that legal action can be taken against them.
- To find and give plots to those adversely affected by double allocation (ibid).

This gives the picture on how the government is seriously in dealing with the problem of land conflict in Tanzania.

Table 4.20: Strategies taken to solve land conflicts

Strategies taken	Frequency	Percent
Having village committee dealing with land rights	26	21.7
Through meetings that educate community on land rights.	16	13.2
Having temporary boundaries	16	13.2
No strategies have been done	62	51.9
Total	120	100.0

Source: Researchers construct, 2013

The table 4.20 also shows that 16 (13.2%) of respondents said that through meetings that educate community on land rights is one of the strategies for resolving land conflicts.

Looking at all the procedures of resolving land conflict, it is easier to prevent a conflict than to cure it. In resolving a conflict, we cannot do much about the harm that has already been done. It is therefore a more worthwhile investment for every government to invest in land conflict prevention measures by educating community on land rights, putting the right policies in place and ensuring implementation of what the policies require (Kariuki, 2005: 99). Lack of education, information and communication are the main obstacles for land ownership in the rural areas to be aware of their rights. In most of rural areas there is no enough education concerning land ownership rights though some of them have knowledge on land rights. A number of studies indicate that there is considerable ignorance of both the law and procedures related to land ownership and development and dispute resolution in both rural and urban areas. The government however has conducted various national awareness campaigns and is continuing to doing so (Kaijage, 2005).

Those few villagers with knowledge might be the retired staffs, NGOs working in those areas and who have the tendency of traveling to town where they can get such knowledge. People (both men and women) just do not know their rights and responsibilities. Due to few Non-governmental Organizations (NGOs) operated locally in the capacity building programs in multiple issues these enables the villagers to understand various laws such as Land Laws enacted in 1999 and human rights issues (Shivji, 1998). Dissemination of information and education on land rights is therefore necessary for their livelihood.

Moreover 16(13.2%) of respondents recommended that having temporary boundaries around the village is among the strategies to resolve land conflicts. Since most of the villages in Tanzania have not registered and get certificate of registration, therefore temporary boundaries can be the only way to overcome this problem. There is a need of having village survey and get temporary boundaries. Although legal recognition exists, only a small number of land parcels are registered and having clear demarcations. There are just over 165,000 land parcels registered nationwide and most of these are in urban areas. As a result 90% of Tanzanians living in rural areas have not registered their properties including land. The majority therefore lack formal security of owning their properties (Kironde, 2009).

Contrary to the above answers (Table 4.20) above reveals that the majority (62 (51.9%) of respondents said that no strategies have been taken to combat with land conflicts in Ulanga district. This implies that most of the rural Tanzanians have no awareness and enough education on land laws, land ownership rights and institutions dealing with land rights. Most Tanzanians have yet to realize the full potential benefits of the new land laws in terms of increased access to land or improved management of communal land, World Bank, (2009). In both rural and urban areas, most occupancy rights have not been registered, and small landholdings rarely, if ever, can be used as collateral for borrowing or property for commercial investment.

One of the respondents blamed that “most of the land experts are living in town areas they do not come in rural areas to provide us education and knowledge on our rights of owning our pieces of lands. He continued by saying that we know nothing on land laws and institutions dealing with land rights. Some investors and pastoralists come and take our lands but we don’t know where to send our problems. He said that our village leaders and village courts are so corrupted if you bring your case they use to take money/cattle’s from the investors and pastoralists”.

4.5.1 Strategies used to solve the problem of land conflict

Table 4.21 reveals that 95 (79.2%) of respondents said that strategies did not combated the problem of land conflict in Ulanga district. While only 25 (20.8%) of respondents agreed that the strategies combated the problem.

Weak conflict management mechanisms contribute to the un-ending land conflict between the smallholding farmers and pastoralists or investors in rural areas (HakiArdhi, 2009). This gives the picture that it is a very complicated matter to be solved because sometimes those dealing with conflict resolution are corrupt; others have no adequate education concerning land resolution, that's why the conflicts on land still exists daily in Tanzania as stated by respondents on table 4.21 that 95 (79.2%) have said the strategies have not combated the problem. On the other hand 25 (20.8%) respondents agreed that the strategies have solved the problem of land conflict in the study area. This shows that either those people were not affected by investors or pastoralists or are those people who have power/influence in their living areas like politicians, economically are well off and so on. The villagers no longer posses power over their land but those with power and rich in their areas. Those with power and economically well off are the one who enjoy the fruits of the land compared to the poor and powerless. This manifested in several villages such as Namwawala, Mofu and Mbingu in Kilombero district in Morogoro region where up to recently are in trouble because of the decision made by the district leaders in collaboration with some few unfaithful village leaders on for making decision of village land to investors for their own benefits Shivji and Kapinga, (1998).

Table 4.21: Strategies used to solve problem of land conflict

Combated land conflict	Frequency	Percent
YES	25	20.8
NO	95	79.2
Total	120	100.0

Source: Researchers construct, 2013

4.5.2 Support from the village and district governments to bring back land to small farmers

Table 4.22: Supports from the village/district government to bring back land.

Various supports have been done by the government of Tanzania which works in Ulanga district. Table 4.22 shows that 35 (29.2%) of respondents said that village/district government has done supports to bring back village lands. Kironde, (2009) indicated that Land Use Planning Act 2007 has created a framework for the planning of rural.

Village Councils are Planning authorities for their areas and village land use plans are prepared in a transparent and participatory manner. There is also a program of surveying the whole district and having temporary demarcations, to separate areas for farming and for pasture. Another support is through having Village/district Land Courts which works in Ulanga district. Some cases on land issues have been resolved by village Land Court while others with district Land Court. Non-governmental Organizations (NGOS) are seen to mediate disputes persons in conflict and provide legal advice training through specific programmed on issues relating to land within communities in both urban and rural areas.

On the other hand the majority of respondents 80 (70.8%) responded that there is no any support done by the Village/district government to make sure that the land of the villagers is back to them. *“Village and district governments have done nothing to secure our land from the investors and pastoralists”* blamed by one respondent. Therefore this implies that some institutions dealing with land conflict resolve are there but they don’t work for the benefits of the villages that’s why most of the respondents responded they have not seen any support from the village or district governments.

Table 4.22: Showing supports done by village or district governments to bring back land of the villagers taken by investors.

Any support done	Frequency	Percent
YES	35	29.2
NO	85	70.8
Total	120	100.0

Source: Researchers construct, 2013

4.5.3 Mention those supports from village and district governments

Table 4.23 tells that 7 (5.9%) of respondents mentioned that they have provided education on land rights. It is a small number of villagers who got education on land rights. Those people might be the staffs that have been retired from their works now are in village homelands, also some of them can be the people who have power economically and politically whom they can afford to pay or travel for any training and can afford to buy media facilities like radio, newspapers, televisions which discuss issues concerning land rights.

Ministry of Lands and Human Settlements Development in collaboration with Local Government Authorities is conducting education campaign to Sensitize the public to the provisions of the new land Acts regarding legal and physical access to land. This is being done through radio, newspapers, television etc (Mlole, 2006).

The table also reveals that 13 (10.3%) of respondents mentioned village council meeting to train on land ownership. Some of the village councils are mentioned in providing education to the villagers on land ownership, this is done through village meetings. The new land laws provide for decentralization of land services to lower levels in local government authorities and Village Councils which includes educating villagers, allocation, adjudication and registration of land titles (Mlole, 2006).

Contrary to the above responses, 100 (83.3%) of respondents said that they have not got any education on land. This indicates that the service of providing land ownership education is not taken into consideration by the district land experts. Also poverty can be the reason for the rural villagers to get education on land. This is due to the fact that they cannot afford to pay if it requires payments. Therefore the village and district governments should make sure that land experts are going in rural areas and provide free education on land rights so as to enable mass participation of the people.

Table 4.23: supports done by village/district government to smallholder farmers

Mentioned Supports	Frequency	Percent
Provision of education on land rights	7	5.9
Village council meeting to train on land ownership	13	10.8
Those who do not got any education on land	100	83.3
Total	120	100.0

Source: Researchers construct, 2013

CHAPTER FIVE

CONCLUSSIONS AND POLICY IMPLICATIONS

5.0 Introduction

This chapter presents the conclusion and recommendation made with regard to the factors which contribute to the land use conflicts of smallholder farmers in Ulanga district which promote poor economic development that was revealed during the study. The conclusion is based on the analysis of issues in the study as revealed in chapter four using the data collected.

5.1 Conclusion

It is a fact that human being's life depends on land to fight against poverty especially in developing countries (Kalande, 2008). Due to liberalization, political power, richness and poverty especially in Africa, it is a reality that there is inequality between the rural poor small farmers and investors in the control over, access to, ownership and management of land. This situation limits the poor to participate in various economic activities including agriculture.

Findings from the respondents revealed that land administration system is under the village council, ward council and district council through the land law. But few of them have the knowledge that land is being administered by the Land Commissioner on behalf the President. Land administration system affects much the rural people to register their pieces of land due to the reasons that most of the offices that provide this service are situated in town areas. Also registration of pieces of land is so expensive and consumes time. Moreover other findings show that, it is difficult for the rural poor people to possess large portions, as we have seen in research findings which showed that most of the rural people possess less than 5 acres. Large parts of their land have been grabbed by the new comers like investors. Thus, such situation influences decline /or cut off of food production which lead to famine in respective areas due to fear and insecurity eventually hunger.

In addition to this most of the pieces of land are owned through inheritance, given by village government, accessed it free and some of them are bought from the natives of the specific areas. Also findings revealed that land use conflicts in Ulanga district are being influenced by lacking demarcations, lacking land title deed, increase of agricultural commercialization, increase of population pressure, corruption done by the local leaders, lack of involving natives during land distribution and lack of knowledge on land rights. Furthermore legal institutions which work for land has some weaknesses that promote the persistence of land use conflict. For instance having multiple institutions dealing with land can contradict themselves in their operation by doing double allocation of pieces of lands. Also some institutions have more power than others in decision making. For instance the land Commissioner has the power to change the classification of parcel, including converting village land to general land. In such circumstances land conflict can happen between the government and the specific community.

In order to have sustainable development in both sectors of economy then there must be deliberate action and decision in solving the land use conflicts. This task then should not left to the government institutions and officials only, but there must be the collaboration from all sectors, institutions, organizations, private and public and all these in order to achieve the fruitful results should incorporate the ideas of all the communities who are the main land users. It should be borne in mind that land is the key source of development of all the other sectors but this cannot attained if the prevailing land conflicts will not be solved immediately.

5.2 Recommendations

Land registration

In order to secure land rights, all existing claims have to be documented and overlapping interests addressed and clarified in a fair and transparent way. Land registration can be done in many different ways and does not necessarily have to include a technology-based land information system or highly accurate surveying. It should be as simple and cost effective as possible, “corruption-proof”, adapted to local conditions, established with active public participation and reflecting all legitimated property rights: formal, informal, customary and religious; state, private

and common/collective; primary and secondary; permanent and temporary. In areas with great potential for land conflicts, systematic land registration should be considered. Also services (offices) should be built in rural areas rather than being in town/cities whereby the rural poor cannot afford the cost of travelling and registering their pieces of lands.

Raising awareness with education on land rights

It is an important issue that rural dwellers should be given education and training for awareness on land rights. NGO, Private institutions and government sectors dealing with land rights are supposed to educate communities on their property rights. The research finding shows that most of the rural people do not have any education or trainings on land rights. Many land conflicts can be predicted and if not avoided at least mitigated if provisions are made against them in time. It is therefore crucial to be aware of those changes and occurrences that have the potential to trigger land conflicts. Once a potential cause of conflict has been identified, the extent of possible land conflicts and the scope of their social, economic, ecological and political consequences should be roughly calculated, and immediately communicated to decision-makers and responsible land management experts at both the central and local level. Land conflict experts should preferably discuss with these decision-makers which measures should be taken to avoid massive land conflicts.

Promoting good land governance from the top to the local areas

Land conflicts are the visible manifestation or outcome of the often invisible power and politics concerning access to and use of land. People generally have limited exact knowledge of who has what influence on the way decisions about land are made and enforced, or how these individuals and groups use that power. Governance of land is rather obscure, and often threatened by corruption, as shown by the study findings which shows that there is high corruption done by the local leaders and higher leaders. These leaders can allow the investors to invest in certain area without involving the indigenous of the particular areas simply because they have got something. Therefore in order to prevent land conflicts, land governance has to be transparent, fair and sustainable.

Fighting institutional weaknesses in the land rights

In Tanzania we have many institutions dealing with land ownership rights which may sometimes contradict themselves. There is a need of improving constitutive institutions to establish legal security. Legal security is the key to preventing land conflicts. Where property rights are clearly defined and secured and where conflicting interests over land can be negotiated in a fair and predictable environment, conflicts over who owns or may use which piece of land can be reduced to a minimum. The constitutive institutions of the land market include:

Tenure security clearly defined and secured property rights to land, i.e. widespread tenure security for all groups in society. This may include the recognition of customary and informal rights. It may also include the introduction of new forms of intermediate tenure.

Customary land administration, to prevent conflicts resulting from either legal pluralism or a misuse of customary power over land allocation, a number of provisions can be made such as Legal recognition of customary land rights, Identification of the boundaries of customary areas, Identification of tasks and responsibilities of customary chiefs, Improvements in record-keeping, to avoid multiple allocations of the same parcel, Adjustment of customary land law to conform with the national constitution and human rights doctrines in regard to equity, Establishment of local control mechanisms and the introduction of sanctions for chiefs misusing their authority by irregularly allocating land for their own profit and empowerment of communities living on customary land classified as state land to directly negotiate with investors who receive concessions there from the state in order to prevent people being dispossessed of their customary rights but instead to share in the profit made from and on their lands.

Rule of law, the establishment of the rule of law is a prerequisite for all other measures for the prevention and resolution of land conflicts. This includes clearly defined, non-concealing, non-contradictory laws, legal norms and by-laws without loopholes, clearly defined roles, functions and responsibilities of all participating actors, a hierarchical court structure, administrative courts responsible for

monitoring, an independent media and public participation in the making of laws and rules.

Improving regulatory institutions to provide for sustainable land use

The regulatory institutions of the land rights include:

Land management, this is a fundamental precondition to avoiding conflict over the use of land is a comprehensive land use planning. This planning will anticipate and guide (future) land use and development while respecting existing structures.

Land use and building standards have to be realistic and adapted to local conditions, as otherwise they will be widely violated and result in unnecessary conflicts. In the case of legal pluralism, it has to be assured that customary land administrators are involved in the land use planning for their areas, to avoid dual planning and the land use conflicts resulting from that.

Also active involvement of citizens in land use planning especially at neighborhood and village level can radically reduce land use conflicts, as the land use plan can then be adapted to the needs of the local population who will feel more bound to it as a consequence.

5.3 Recommendation for Further Studies

Land conflicts are likely to persist and even increase in the near-term and medium-term future. There will especially be an increase in land conflicts in rural, peri urban areas, given persistently high urbanization rates, the dissonance between slowly progressing economic development and steadily increasing land prices as well as the continuation of legal pluralism. Local contracts will have to play an increasing role in dealing with these conflicts in these often remote rural areas.

The complexity of causes leading to land conflicts, as well as their diversity and the large number of different actors involved, requires an integrated, system-oriented approach for solving land conflicts and for preventing additional ones. First, functioning constitutive and regulatory institutions adapted to local requirements are needed. Second, a coordinated system of land dispute resolution bodies has to be established, to provide for a wide range of options for resolution, always giving priority to consensual approaches.

Third, land governance can and should be improved by applying principles such as equity, accountability, integrity, transparency, effectiveness, and efficiency, the rule of law, legal security, civic engagement, subsidiary, security, and sustainability to the relevant areas.

We recommend for further studies on the emphasis of improving land management institutions in the country. Therefore, the study suggests the following topics

- i. Assessment of land administration system for poverty eradication.
- ii. Evaluate the role of land management institutions in resolving land conflicts in Tanzania.
- iii. Investigate the involvement of natives in land distribution in the rural areas.

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APPENDICES

APPENDIX I

QUESTIONNAIRE GUIDE

TITLE: LAND USE CONFLICTS AND LIVELIHOODS OF SMALLHOLDER FARMERS HOUSEHOLDS.

Dear respondent, my name is Deogratias Maksi from Mzumbe University. I first acknowledge your involvement in this very study. The study is being conducted within Ulanga District in Morogoro. Its major concern is to find out how land conflict use affect the livelihood of smallholder farmers households in Ulanga district. The result of this study will help to realize the contribution of accessing land to smallholder farmers households in poverty reduction specifically at Ulanga district.

The information you provide will be used strictly for the purpose of this study and will remain confident. No information shall be related to any particular personality and for the matter you are advised not to write your name on the form.

QUESTIONNAIRE AT DISTRICT LEVEL

1.Department-----

2.Respondent name-----

3.Designation-----

4.What is the role of the district council in relation to dissolve the land use conflicts at Ulanga district?

5.Are there any cases brought to you on land use conflict? (YES or NO)

6.If YES, How do you managed to solve those problems ?

7. What do you think are the reasons for land use conflicts in Ulanga district?
- a) Investor (s) taking the land of smallholder farmers
 - b) Lack of clear demarcations between smallholder farmers and investors/livestock keepers.
 - c) Poor participation of smallholder farmers in land use planning.
 - d) Contradiction of national land law/policy.
 - e) Corruption between the investor/livestock keepers and high government leaders.
8. Are there any strategies set by the district to overcome the problem of land use conflicts in Ulanga district? YES or NO
9. If YES mention them
- a) Having committee to deal with the problem of land use conflict
 - b) Involving two conflicted sides to resolve the problem of land use conflict.
 - c) To set by laws to guide land use in the district.
 - d) Having public meeting so as to educate the community and investors on proper land use.
 - e) To involve two fighting sides to show boundaries and demarcations of the land in the particular village/ward..
 - f) Others (if any)
10. Do you think these strategies have benefits to smallholder farmers households in Ulanga district especially to land conflict areas? YES or NO
11. If YES mention those benefits
- a) Conflict on land use has been resolved.
 - b) Land use committee has been set up to supervise land use in the district.
 - c) Increase productivity to smallholder farmer's households in the district.
 - d) Increases the involvement of smallholder farmers in land use decision.
 - e) Others (If any)

THANK YOU FOR YOUR COOPERATION

APPENDIX II

QUESTIONNAIRE GUIDE

TITLE: LAND USE CONFLICTS AND LIVELIHOODS OF SMALLHOLDER FARMERS HOUSEHOLDS

Dear respondent, my name is Deogratias Maksi from Mzumbe University. I first acknowledge your involvement in this very study. The study is being conducted within Ulanga District in Morogoro. Its major concern is to find out how land conflict use affects the livelihood of smallholder farmers households in Ulanga district. The result of this study will help to realize the contribution of accessing land to smallholder farmer's households in poverty reduction specifically at Ulanga district.

The information you provide will be used strictly for the purpose of this study and will remain confident. No information shall be related to any particular personality and for the matter you are advised not to write your name on the form.

INTERVIEW GUIDE TO VILLAGE LEADERS

1. Respondent name-----Sex-----
2. Title-----
3. Age-----
4. Name of the village-----
5. How long have you been a leader?
 - a) 1 year
 - b) 2 year
 - c) 3 year
 - d) Others (If any)
6. Being a village leader, have you received any case of land use conflicts in the village? YES or NO.
7. If YES how you managed to handle the case?
 - a) Through the Village land council
 - b) Through local leaders
 - c) Advised to go to primary court.

- d) Through using land deed title.
 - e) Others (if any)
8. What are the reasons for the problem of land use conflict between the investor and the smallholder farmer's households in Ulanga district?
- a) Investor (s) taking the land of smallholder farmers
 - b) Lack of clear demarcations between smallholder farmers and investors/livestock keepers.
 - c) Poor participation of smallholder farmers in land use planning.
 - d) Contradictions of national land law/policy with village land Act and national investment policy.
 - e) Corruption between the investor/livestock keepers and high government leaders.
9. Which strategies have you used to solve those cases (if any)
- a) Having committee to deal with the problem of land use conflict
 - b) Involving two conflicted sides to resolve the problem of land use conflict.
 - c) To set by laws to guide land use in the district.
 - d) Having public meeting so as to educate the community and investors on proper land use.
 - e) To involve two fighting sides to show boundaries and demarcations of the land in the particular village/ward..
 - f) Others (if any)
10. What are the obstacles of solving those problems? (if any)
- a) Corruption by local leaders
 - b) No clear village boundaries/demarcation
 - c) Contradictions between national land policy, village land Act and Investment policy.
 - d) Poor governance of the village.
 - e) Others (if any)

THANK YOU FOR YOUR COOPERATION

APPENDIX III

QUESTIONNAIRE GUIDE

TITLE: LAND USE CONFLICTS AND LIVELIHOODS OF SMALLHOLDER FARMERS HOUSEHOLDS

Dear respondent, my name is Deogratias Maksi from Mzumbe University. I first acknowledge your involvement in this very study. The study is being conducted within Ulanga District in Morogoro. Its major concern is to find out how land conflict use affect the livelihood of smallholder farmers households in Ulanga district. The result of this study will help to realize the contribution of accessing land to smallholder farmers households in poverty reduction specifically at Ulanga district.

The information you provide will be used strictly for the purpose of this study and will remain confident. No information shall be related to any particular personality and for the matter you are advised not to write your name on the form.

INTERVIEW GUIDE FOR HOUSEHOLD LEVEL

1. Name-----Sex-----
2. Marital status-----
3. Age-----
4. Name of the village-----Ward-----
5. What is the major source of income in your family household?
 - a) Faming
 - b) Salary wage
 - c) Income generating project
 - d) Others (specify)
6. Do you have land title deed?
YES/NO
7. If NO, what are the reasons for having no land title deed?
 - a) You don't have such services in your area.
 - b) It is very expensive
 - c) You don't have any idea about land title deed

- d) It has long process/procedures.
8. Have you got any training/education on land ownership? YES/NO
9. If YES, the training intended on what?
- a) Awareness on land ownership
 - b) To know your rights on land ownership
 - c) Encouraged to have land title deed
10. Do you think there is/are contradictions in owning your piece of land? YES/NO
11. If YES what do you think are the possible reasons?
- a) Lacking land title deed.
 - b) Corruption done by local leaders
 - c) Land is taken by investors without involving the natives of the particular area.
 - d) Village land Act contradicts with traditional land rights.
12. Do you possess a piece of land? YES or NOT
13. What is the size of the land that you possess?
- a) More than 1 arce
 - b) Less than 1 acre
 - c) Others (specify)
14. Do you have land conflict?
- YES or NOT
15. If Yes conflict happened with which company/group?
- a) Smallholder farmers versus investors/KVTC
 - b) Smallholder farmers versus the pastoralists
 - c) Others (specify)
16. Do you think what can be the reasons for land conflict in your ward?
- a) No clear demarcation of ward/village land.
 - b) Lack of land title deed to smallholder farmers in the village/ward.
 - c) Contradictions of national land law/policy with village land Act and national investment policy.
 - d) Corruption done by village leaders with investors
 - e) Lack of involvement of smallholder farmers in land use planning.
 - f) Others (specify)

17. Which strategies have been taken by the ward/district to overcome the problem of land use conflict in your area?

18. Do you think the strategies combated the problem of land conflict in your ward/district? YES or NO.

19.If YES, how they combated the problem of land conflict in your area?

- a) Through using village land court
- b) Through using local leaders.
- c) Through using village land council.
- d) Others (specify)

20. What do you think are the obstacles for smallholder farmers' households to access land in the ward?

- a) Corruption done by village leaders
- b) Village leaders listen much the investors than the smallholder farmers of the ward/village.
- c) Contradictions between national land policy, village land Act and investment policy.
- d) Others (specify)

21. Are there any supports from the village /ward and district governments to help smallholder farmer's households to get back their land from the investor (company)?
YES or NOT

22. If YES mention them

THANK YOU FOR YOUR COOPERATION