

**ASSESSMENT OF LAND USE CONFLICTS IN TANZANIA:
A CASE STUDY OF SONGAMBELE AND MKOKA VILLAGES IN
KONGWA DISTRICT, DODOMA REGION**

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A CASE STUDY OF SONGAMBELE AND MKOKA VILLAGES IN
KONGWA DISTRICT, DODOMA REGION**

**By
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**A dissertation submitted in partial fulfilment of the requirement for the Award of
Master of Science (Development policy) Degree of Mzumbe University**

2015

CERTIFICATION

We, the undersigned certify that we have read and that hereby recommend for acceptance by the Mzumbe University dissertation entitled “ASSESSMENT OF LAND –USE CONFLICT IN TANZANIA : A CASE STUDY OF SONGAMBELE AND MKOKA VILLAGES IN KONGWA DISTRICT, DODOMA” in partial fulfilment of the requirements for award of the degree of Masters of Science in Development Policy Mzumbe University.

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I, FRANCIS JUSTINE MBONDE, declare that this dissertation is my own original work and it has not been presented and will not be presented to any other university for a similar or any degree award.

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DEDICATION

I dedicate this work to my beloved mother, Pauline Bujimu Mbonde, my lovely wife, Susan Gati Mbonde and my lovely daughter Ivy Mbonde

LIST OF ABBREVIATIONS

CARE	-	Cooperative for Assistance and Relief Every Way
DFID	-	Department for International Development
FAO	-	Food and Agriculture and Organization
ILC	-	International Law Commission
LGAS	-	Local Government Authority
NAFCO	-	National Agricultural and Food Cooperative
NARCO	-	National Ranching Company
NSGRP	-	National Strategy for Growth and Reduction of Poverty
UNDP	-	United National Development program
URT	-	United Republic of Tanzania

ABSTRACT

The study was done in Songambebe and Mkoka villages Kongwa District, Dodoma. The study focused on Assessment of land use conflicts in Tanzania. Taking Mkoka and Songambebe villages as a case study. The study addressed the following three objectives (i) to access the causes of land use conflicts in selected villages in the study area. (ii) identify types of land conflicts in selected villages in the study area. (iii) to identify the effects of land use conflicts in the study area.

The population of the study consisted of village land committee, Land tribunal, and villagers. The study involved a sample of 105 respondents including 90 respondents who were randomly selected and 15 respondents that were selected purposefully. A cross sectional research design was used however qualitative and quantitative approach were used to design research questions. Four methods were used to collect data to address the research objectives. These included a questionnaire, interview, observations, documents review. The data collected were analyzed by using both qualitative and quantitative methods.

The research finding revealed that, the causes of land use conflicts in Mkoka and Songambebe was pastoralist keep graze their cattle in the farms, removing of demarcation, and land grabbing by powerful individual, scarcity of grazing land, double leasing of plots, no title deeds. Types of land use conflicts clashes between pastoralists and farmers, families and families and other between villagers. However, the effect associated with land use conflicts include: shortage of food to villagers, killing, and loss of peace among the villages, crop and livestock destruction, lose of originally owned land, development stagnation, decrease of income.

The study therefore recommended that government should raise awareness on land use policy to the villagers through provision of seminars, workshops and leaflets on land use policy and the rights of people. The government should also put clear and permanent boundaries in surveyed land in the villages, The anti corruption institution should make frequent follow up of the village land committee and land tribunal on their judgements regarding land use conflicts.

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CHAPTER ONE

INTRODUCTION AND BACKGROUND INFORMATION

1.1 Background Information

Land rights as explained by Odgaard (2006), are crucial for economic development in Africa. The majority of Africa's populations depend on access to arable land and/or pastures for their livelihoods. However, African agriculture suffers from many problems such as low technological development, low productivity, unequal distribution of resources, Some of the root causes of this situation are related to existing land tenure and land conflicts in many countries. Improved access to and utilization of land and other natural resources, and better conflict handling systems are therefore important for increasing economic growth and reducing poverty. Land is important for economic development, and it is becoming an increasingly scarce resource in many parts of Africa. It is an object of economic speculation and it represents very strong feelings about identity and sense of belonging. For these and other reasons, land is a frequent source of conflict.

While there is a large, though inconclusive, literature on the impact of land titles in Africa, little attention has been devoted to the study of land conflict in relation to rural livelihoods, despite evidence on increasing incidence of such conflict. According to Nabugyere (2012), on the historical perspective, many land conflicts stem from customary land ownership patterns, lack of clear land demarcations and this has caused serious harm to communities like loss of life.

Deininger and Castagnini (2004) used data from Uganda to explore who is affected by land conflicts, whether recent legal changes have helped to reduce their incidence, and to assess their impact on productivity. Results indicate that female-headed households and widows are particularly affected and that the enactment of the 1998 Land Act has failed to reduce the number of pending land conflicts.

The government of Uganda has suggested amending the above said Land Act in a bid to resolve the ever emerging land conflicts between the Landlords and the sitting tenants.

This suggests that, especially in Africa, attention to land-related conflicts and exploration of ways to prevent and speedily resolve them would be an important area for policy as well as research. Land is a treasured resource for development in every respect and at all levels especially in the Sub Saharan regions, and it has become a source of conflict.

Agricultural activities on land is largely carried out by women; for growing cash and food crops and little surplus is sold to earn an income for the family and hence affecting rural livelihoods (Tripp, 2004). It should be noted that majority of Tanzania's population (82%) derive their main livelihood from agriculture and livestock sector (NSGRP, 2005). Apart from tying the rural areas closer to the commercial activities of the cities such activities have a direct bearing on the land rights and land conflict situation and thus on livelihood conditions of many rural people. Land conflicts have caused painful suffering to different social diversities but particularly women, causing death of their husbands in land wrangles and also being kicked out of their family land when the husbands die (Wamkuyu, 2008). However, the issues of land management are being handled lightly. The authorities concerned seem not to be very serious in understanding the negative effects of these conflicts on the individuals and the community at large. The fundamental question at this point is what can be done to prevent the escalating land disputes in Kongwa District so as to harmonies development in the district? Whether the complainants of these disputes have ever been attended to their satisfaction to enable them regain their land ownership, and if not, why is the authority taking time to address such issues? This therefore, has prompted this study to be carried out.

1.2 Statement of the Problem

Land is a treasured resource by the community. Population pressure, changes in the land legislations (Land Act No. 4 of 1999 and Village Land Act No. 5 of 1999), increasing evictions and urbanization has created great awareness about land and increasing land conflicts in our communities. Regardless of all efforts put by the government on land sector yet there is an increase in number of land use conflict in the country. Due to increasing demand of land for agriculture activities, settlements, pastoralist, and other economic activities, the government has formulated Land Policy in 1995 and other machineries like Land Division of the High Court as well as Land Arbitration Councils at District and Ward levels supported by other committee such as village land committee.

This study therefore, intended to critically analyze the negative effects of land conflicts to the rural livelihood of local communities at Mkoka and Songambebe villages at Kongwa district. Secondly, there is no sufficient empirical data to show the effect of land conflicts on the livelihood of local communities of selected villages at Kongwa district and as such there is no basis where land conflicts can be handled. Little attention has actually been devoted to the study of land conflicts despite evidence on increasing incidences of such conflicts. It is therefore; against this background that the researcher investigated the effects of land conflicts on the livelihood of the people in Kongwa District.

1.3 Objectives of the Research

1.3.1 General Objective

The general objective of the study is assessment of land use conflicts in Tanzania Kongwa District, Dodoma taking Mkoka and Songambebe villages as case study.

1.3.2 Specific Objectives

The specific objectives are:

- (i) To access the causes of land-use conflicts in selected villages in the study area.
- (ii) Identify types of land conflicts in selected villages in the study area.
- (iii) To identify the effects of land use conflicts in the study area.

1.4 Research Questions

- (i) What are the main causes of land-use conflicts in the study area?
- (ii) What types of land use conflicts in the study area?
- (iii) What are the effects of land use conflicts in the study area?

1.4.1 The Scope of the Study

This study was restricted to the land conflicts on local communities at Kongwa District with particular emphasis on the causes of land conflicts, consequences and how affected rural livelihoods in the district, The study was carried out in two villages with different nature (urban and rural).

1.4.2 Significance of the Study

The study is important because the information will assist policy makers, administrators and local government to know the various land use conflicts which exist in Kongwa District specifically in the villages of Songambebe and Mkoka.

1.4.3 Limitation of the study

This study was constrained by inadequacy of fund in data collection as some of the respondents needed financial incentive to participate fully in the study and some other respondents were too reluctant to provide information during the study because of fear or suspicion. Another reason, there was a problem of availability of secondary data from institutions visited by the researcher though some data were found in their respective files.

Poor record keeping or lack of statistical data in wards level and district office were also among some of the other problems I was confronted with in my effort to access information relating to land issues

However, the study was successful through awareness creation and educating respondents on the importance of the study which made them to give cooperation to the researcher. The study was also successful due to good cooperation that the researcher received from officers from Kongwa district, village land committee, and villagers.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter is divided into three sub-themes; Causes of land conflicts, consequences of land conflicts and its effects on rural livelihoods. The sources of the literature review included the textbooks, journals, and other relevant sources. The aim of the study was to equip the researcher with concepts and variables that can improve the understanding of conflicts and their effects.

2.1 Conceptual Definitions

In this part conceptual definitions have explained the meaning of marketing and related terms in order to have better understanding of the topic under study.

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).

Conflict management is the process of limiting the negative aspects of conflict while increasing the positive aspects of conflict. The aim of conflict management is to enhance learning and group outcomes, including effectiveness or performance in organizational setting (Rahim, 2002). **Conflict resolution** involves the reduction, elimination, or termination of all forms and types of conflict (Thomas, 2007).

Livelihood is defined as a set of activities, involving securing water, food, fodder, medicine, shelter, clothing and the capacity to acquire above necessities working either individually or as a group by using endowments (both human and material) for meeting the requirements of the self and his/her household on a sustainable basis with dignity (Chambers and Conway, 1992).

The composite definition of a **sustainable rural livelihood**, which is applied most commonly at the household level state that: A sustainable rural livelihood comprises the capabilities, assets (stores, resources, claims and access) and activities required for a means of living; a livelihood is sustainable which can cope with and recover from stress and shocks, maintain or enhance its capabilities and assets, and provide sustainable livelihood opportunities for the next generation; and which contributes net benefits to

other livelihoods at the local and global levels and in the short and long term (Chambers and Conway, 1992).

2.2 Sustainable rural livelihood in Tanzania

2.2.1 Concepts of sustainable rural livelihood

In the 21st century livelihoods will be needed by perhaps two or three times the present human population. A livelihood comprises people, their capabilities and their means of living, including food, income and assets. Tangible assets are resources and stores, and intangible assets are claims and access. A livelihood is environmentally sustainable when it maintains or enhances the local and global assets on which livelihoods depend, and has net beneficial effects on other livelihoods. A livelihood is socially sustainable which can cope with and recover from stress and shocks, and provide for future generations.

For policy and practice, new concepts and analysis are needed. Future generations will vastly outnumber us but are not represented in our decision-making. Current and conventional analysis both undervalues future livelihoods and is pessimistic. Ways can be sought to multiply livelihoods by increasing resource-use intensity and the diversity and complexity of small-farming livelihood systems, and by small-scale economic synergy. Net sustainable livelihood effects and intensity are concepts which deserve to be tested. They entail weighing factors which include environmental and social sustainability, and net effects through competition and externalities.

Definitions of households have conventionally emphasised co-residence, sharing the same meals- “cooking from one pot” - and undertaking joint or co-ordinated decision-making; and rural households have been regarded as the centre of rural social systems. Recent concepts of the household broaden the definition to allow for overlapping social groupings, including family or other members who may be physically dispersed but socially interdependent. Seasonal (and permanent) migration of individuals and households has been and is presently a significant feature of Tanzanian life. This broader definition which includes migrants who contribute to or call upon household resources, would thus seem more appropriate (Mung’ong’o, 1996).

2.2.2 Basic Livelihood Models

Several types of livelihood models have been put forward over the years. This project endeavours to make critical use of the existing literature on livelihoods issue, and in order to do this, we require some guiding concepts and a general framework to organise thoughts.

As noted by ODI (2000), the core of livelihoods models going back to Sen (1981), Chambers (1988), Swift (1989), Kabeer (1991), Scoones (1998), Davies (1996), Carney (1998), and others such as Barratt and Reardon (2000), has been the relationship between assets (also capitals, factors), activities (also strategies, production, exchange) and outcomes (also entitlements, consumption bundles, well-being, utility, income) within a mediating environment.

The ‘external’ mediating environment directly influences the internal workings of the assets-activities-outcomes relationship. It provides the context within which household decision-making processes unfold, mediating access to household assets and the use to which they can be put, influencing the strategies - sets of activities - households adopt and their potential outcomes. The nature of the diverse constituent factors will be elaborated later. Their influence however might affect the following:

- i. Quality and quantity of assets (e.g. disease reduces human capital, education increases human capital, soil degradation reduces natural capital, devaluation reduces financial capital).
- ii. Activities and the terms on which they transform assets (e.g. drought leads to coping activities which may transform productive assets into liquid assets and thus denude the asset base).
- iii. The relationship between activities and consumption outcomes (e.g. the influence of different types of prices, such as minimum wage rates, income taxes, which may set a type of floor for the impact of labour on consumption; price stabilization policy which may affect the rate at which agricultural output increases are related to consumption outcomes).

2.2.3 A framework for livelihoods analysis

A number of agencies (e.g. CARE, UNDP, Oxfam, FAO) have adopted a livelihoods approach and make use of livelihood frameworks. For the purposes of this study and

improving the potential for understanding between different target institutions, the DFID sustainable livelihood framework has been used as a key point of reference . We have also found ideas from Ellis' (2000) work, which are built on the earlier work by Scoones (1998) and Carney (1998) for the DFID framework, to be helpful. While other sources in the literature have been utilized to better develop understanding of the external determinants and decision-making mechanisms associated with livelihood strategies.

The livelihood assets available to the household represent the basic platform upon which the Household livelihood may be built. In the DFID framework these assets are represented by the Following five categories.

Human capital (H): the skills, knowledge, ability to labour and good health important to the ability to pursue different livelihood strategies;

Physical capital (P): the basic infrastructure (transport, shelter, water, energy and communications) and the production equipment and means that enable people to pursue livelihoods;

Social capital (S): the social resources (networks, membership of groups, relationships of trust, access to wider institutions of society) upon which people draw in pursuit of livelihoods;

Financial capital (F): the financial resources which are available to people (whether savings, supplies of credit or regular remittances or pensions) and which provide them with different livelihood options; and

Natural capital (N): the natural resource stocks from which resource flows useful for livelihoods are derived such as land, water, wildlife, biodiversity, environmental resources.

These assets combine both the tangible productive assets associated with economic analyses (Land, labour, capital, and stocks) and the intangible assets more familiar to sociological and anthropological enquiry (social capital, health and educational status).

2.3.4 Vulnerability of Rural Livelihoods

For poor households the interaction between internal livelihood components and the external influences typically reveals a pattern of vulnerability. The concept of vulnerability in the African rural setting has been the subject of a great deal of attention over the last 10 years. The most commonly used definition of vulnerability is that of Chambers (1989).

“Vulnerability here refers to exposure to contingencies and stress, and difficulty in coping with them. Vulnerability thus has two sides: an external side of risks, shocks and stress to which an individual is subject; and an internal side which is defencelessness, meaning a lack of means to cope without damaging loss.”

The external side of vulnerability has dimensions of shock, trend or cycle example. Shocks are associated with the ability of livelihoods to cope while trends are associated with the adaptability of livelihoods (ODI, 2000). In Tanzania some of these shocks and trends are general in the sense that they affect large areas or populations. Recent droughts in Southern Africa and an associated climatic trend would be an example of this. Others are more localized such as a flood that affects one watershed, or at a lower level, an illness that affects a particular household.

The internal side of vulnerability is linked with net assets, and the rates at which these can be converted into consumption outcomes through activities. Moser (1998)

“Vulnerability is therefore closely linked to asset ownership. The means of resistance are the assets and entitlements that individuals, households, or communities can mobilize and manage in the face of hardship. The more assets people have, the less vulnerable they are, and the greater the erosion of people’s assets, the greater their insecurity.”

Households and individuals will have different and varying degrees of access to and thus different portfolios of assets. However not only do fewer assets equate to greater vulnerability, but also lower potential for substitution between assets and activities makes livelihoods more vulnerable, especially to shocks. Assets that can readily be liquidated and used to purchase more appropriate assets provide for greater livelihood flexibility (Ellis, 2000). Substitution within asset categories can also occur. One notable example

relates to the re-allocation of labor between domestic and outside earning opportunities in response to changing circumstance. With access to different portfolios of diverse assets, individuals and households will consequently respond in different ways to given livelihood shocks or trends.

Key differences at the intra-household level would include those between the responses of women and men, between the elderly and youth or others, between persons in good health compared to those who may be ailing.

Resource and entitlement issues and the household division of labour, among stother themes, feature prominently for example, in the literature on gender and food security (Laier *et al.*; 1996).

2.3 Basics and Causes of Land Conflicts

This sub theme will discuss the causes of land conflicts in communities. Before getting into the intrinsic of the causes of land conflicts in communities, one should understand the meaning of land and its importance to human beings. Land is defined as “an area of ground”. The statutory definition of land also indicates that the concept of land covers much more than the physical portion of the earth’s surface (Mugambwa, 2006). International Land Coalition (ILC) (2006) asserts that the relationships between land and conflict are extraordinarily complex. When it comes to land issues, economics and politics are mixed together with traditions, culture, legal systems and public administration.

The roots of conflicts are numerous, including: structural or historically-based inequalities; economic and social policies patterns of growth and development; political or territorial disputes; communities in competition with commercial interest, overlapping jurisdiction among government departments; former landlords and land reforms beneficiaries; and contradictory regulations, such as differences in legal and customary ways of managing or mediating land rights. ILC has extensively summarized the probable causes of land conflicts. What it does not point out is how this has affected the women, yet land conflicts have a disproportionate impact on women since women tend to suffer more than men from weak legal systems, limited institutional capacities and traditional/customary practices.

Garcia (2005), points that land reform policies recently implemented in southern Africa have put the classic debate on land redistribution back on regional agendas at both scientific and political levels. Several circumstantial factors have contributed to this political renaissance of land reform policies in southern Africa, namely Zimbabwe's new radical land reform approach, the end of the collapse of the communist regimes in South Africa and Namibia. All these have transformed the land issue from a political taboo into a sensitive and controversial, but the fact is, operating policy. Whereas these land reform policies are sensitive by design, they do affect the socio economic patterns of life. The motives of these reform are self centered by the perpetrators, for instance in Zimbabwe what was seen as a mere change of ownership through land redistribution to the blacks affected the societies, at local levels and stretched to affect the entire national economy.

In Uganda the proposed land reform has sparked off regional resentments that are eventually culminating into tribal conflicts. Tesfaye (2004), comments that there are several cases of environmentally induced disputes and conflicts in different parts of the country. Disputes and conflicts arise for example over parental land, returnees claiming ancestral or original land, migrants encroaching on indigenous land and sharing of common resources, common grazing, and water and forest resources. While there is no strong empirical evidence, there is a reason to believe that the frequency and as well as the intensity of conflicts have increased over time. In Uganda for instance this has happened in those governments' gazetted areas like Mount Elgon where there is occupation of the forest park, in the North-east the Karimojongs and the Itesots have had endless battles that are sometimes fatal because of grazing and water for their animals.

Land use conflicts between the traditional pastoralist use of forest and wood land the increase especially between the traditional pastoralists use of forest and wood land and wildlife crop producer are expanding their farms which encroach the other land uses lack of progress in implementation of land uses at different scales (national, regional, district, village). The land use plan has not achieved its goals because of lack of appropriate legislation in use for rural land use planning top down approach to land use planning lack of institutional capacity. Failure of the coordination mechanism, lack of organizing philosophy and lack of comprehensive guidelines.

In many areas land use conflicts are like in Tanzania where there are some major land use conflicts. The experiences in rural and urban are:

- (i) Conflict between residential versus agricultures. Such land use conflicts may occur as a result of population increases in both urban and rural areas. In the urban areas this may result in boundaries being extended to include rich agriculture lands on areas. Ridges similarly in the rural Area increases in population and the consequent increase in house hold generation case increased demand for land for residential house and for agriculture. In Kigamboni ward received a lot of peoples which comes from different angles due to that situation they want land for the purpose of residential and agriculture (Mwangira, 2003).
- (ii) A conflict between pastoralists against pastoralist has often been interpreted as competition for pasture. However chronic insecurity from livestock raiding has the effects in some areas of deterring herders from exploiting pasture that are not easily defensible. The purpose of raiding is less economic and more to do with the maintenance of group solidarity and the prestige mechanisms. The result however is often due to over grazing by pastoralists.
- (iii) Conflict between open space/ cemeteries and residential areas. Such land use conflict may occur as a result of population increases in both urban and rural areas. In Urban areas increase of population cause increased demand of land for residential house and for agriculture. In urban areas people invaded open space and cemeteries areas where they establish residential and social economic activities

2.4 The Consequences of Land Conflicts in Rural Livelihoods

All land conflicts, no matter how peaceful or violent they are, produce negative consequences for individual people as well as for the entire society. Many families across the world have seen their shelters and homes being bulldozed out of existence. In Africa, many people experience the selling of their property by someone else who also claims to be the owner. Wehrmann (2008) observes that whenever there is a land conflict, someone suffers economic consequences. In extreme but not rare situations, people find themselves landless and/or without shelter. In the case of a farmer, this often includes the loss of his/her production base. But that's not all. Where there are many land conflicts,

social stability within society is affected, as land conflicts undermine trust and increase fear and suspicion often between formerly close people such as neighbours and family members. Violent land conflicts or simply the fear of becoming a victim of them can also have a traumatizing effect on those who are or feel at risk.

In addition, whenever state land is allocated illegally it generally affects the nation's budget negatively and often results in ecological destruction or social exclusion. Still other consequences of land conflicts are unorganized, unstructured land development and the subsequent additional costs for infrastructure provision. The costs of these have to be borne by the entire society. Tripp (2004) acknowledges that land ownership 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 for the state or municipality.

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 conflicts occur lot of multiple sales, evictions, land grabbing take place. People loses confidence in the state and start mistrusting each other. Dealing with land conflicts therefore also means to re-establishing trust and confidence in public as well as private institutions.

Kariuki (2005) stresses that land conflicts affect different groups in different ways like having 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, groups such as squatters, ethnic minorities or orphans being extremely marginalized.

2.5 The Role of Local Government Authorities (LGAs) in Disposing Land Disputes

Garcia (2005) observes that the political pressures and the social imbalances created by the skewed distribution of land have led local governments to devote themselves to land redistribution. Mugambwa (2002:) observes that the District Land Tribunals have jurisdiction over land disputes relating to the grant, lease, repossession, transfer or

acquisition of land. They also have jurisdiction over amounts of compensation, and hear cases on appeal from sub-county land tribunals. Ibid (2002) asserts that an unanticipated consequence of the Land Act has been the short-term adverse impact on the rate of dispute settlement due to failure to activate the land tribunals. However, it is reasonable to assume that this has some adverse economic impact in terms of output foregone on disputed land and probably, some increase in the costs arising from injury to persons.

According to a study of the Land Tribunals, “the involvement of the Provincial administration in land issues continue to work against the aims of the Tribunals” by Okuro (2002). The average estimated costs required to approach the elders and chiefs, although lower than those required for the Land Tribunal and the Court, remain an obstacle for women with severely limited resources, which are also those who are most vulnerable to land insecurity and disputes. In conclusion both the formal and the informal dispute resolution channels are inaccessible to the women who are likely to have land disputes because their cost is too high. (Henrysson and Joireman, 2005).

2.6 Land Rights, Legislations and Land Management in Tanzania

2.6.1 Land Rights and Regulation of Land Rights in Tanzania

Very little land in Tanzania is presently under formal registration. More than 93% of the rural populations are smallholders and according to a rough estimate 78% of those hold unregistered customary land rights (Poverty and Human Development Report, 2005b). Moreover only very few pastoralists have yet acquired registration certificate for the land they are using.

Legal pluralism is the condition in which the population observes more than one body of law’ (Woodman, 1997). The bodies of law related to land rights observed in Tanzania are unwritten customary laws on the one hand, and on the other hand the ‘modern’ laws and policies, namely state laws written down in law books, and government policies as they appear in written instructions, the press etc. Legal pluralism implies that when these bodies of law are legally applied in for example resolving cases of land disputes, the normative orders (local rules, norms and codes of conduct) observed by people in the empirical context where the dispute has occurred have to be taken into consideration and used as sources of law. This implies that the everyday practices adopted by people, and

which undergo changes depending on general changes in the society, have to be understood at any given time: 'The merit of the legal pluralism approach is that it forces us to concentrate on the empirical reality behind the slogans about 'the rule of law' (Benda-Beckmann, 2001).

Relations to an ethnic group, to family/clan, marriage relations, community membership, friendship, patron-client relations, and relations to authorities at various levels of the society. Other and crosscutting factors also influence land rights of an individual or a group of individuals: Gender (and here question of whether a community is organised according to patrilineal or matrilineal principles); age; the question of being considered indigenous or immigrant in a specific area; access to power. Rights are also articulated differently depending on whether land is used for cultivation, pastures, forests etc.

In the following a distinction is made between land endowments and entitlements. Land endowments refer to the rights and resources that people have, for example land, labour, skills and so on. Entitlements on the other hand refer to legitimate effective command over such resources and the benefits, which can be derived from them (Leach *et al.*, 1999).

In practice an individual or a group of individuals may have customary land endowments in Tanzania in two different ways: 1) As a member of a specific ethnic group and/or family; 2) as a citizen of Tanzania in accordance with policies issued during the socialist era granting each individual resident of a village irrespective of sex a right to be allocated a piece of land. It seems that there were no legislative provisions for this previously, but with the new land acts the rights of both men and women to apply for and be allocated land by the village authorities are clearly specified.

The type of endowments differs for different groups and individuals not only according to age, status and gender but also depending on whether a person belongs to *wenyeji* (Swahili word for 'indigenous') or *wageni* (guests/immigrants) 'first-comers' or 'late-comers'. For example, Hehe and Sangu men and women, who are the *wawenyeji* in the field work areas respectively, have two types of land endowments in principle in their home areas: Indigenous rights and rights in accordance with land policies developed especially during the socialist era. The *wageni*, to whom immigrants like the Maasai,

Barabeig, Sukuma belong, have, however, in principle land endowments in their home area, but endowments in the immigration area only in accordance with the existing policies granting any citizen of Tanzania above the age of 18 the right to be assigned land if accepted as a member of a village community.

Access to land through allocation by the village authorities is very common in many rural areas of Tanzania. Such rights are held both by 'indigenous' villagers and immigrants by individuals and household men and some women. The allocated rights are customary in the sense that they are not formally registered and that rules for use etc. are in accordance with local norms and customs, and village by-laws. They are considered as secure as other customary rights as long as they are locally recognised and seen as legitimate by the villagers in general. Married women are generally not allocated land without the consent of their husbands (Odgaard, 1999). Some single and divorced women have though been allocated land by the authorities, but generally claim that it has been a very difficult process.

The involvement of local authorities in allocating land is not a new phenomenon, but the form under which it takes place at present is very much influenced by policies introduced during the socialist era in Tanzania. As has appeared, the village authorities are still assigned a very crucial role in land allocation under the Village Land Act (URT, 1999b). Traditional leaders of the various ethnic groups play important roles as interpreters of indigenous 'customs' and in conflict resolution.

The present legal framework and procedures for the regulation of land rights in Tanzania is laid out in the two new Land Acts. The Land Act and the Village Land Act of 1999 (URT 1999ab), which became operational in May 2001. The policy behind these acts is the National Land Policy (URT, 1995).

Prior to the new land policy (Land Acts 1999 formal land legislation in Tanzania was mainly composed by the Land Ordinance passed by the British in 1923. The Land Ordinance has been supplemented by a number of amendments and laws both during and after independence. According to the Land Ordinance all lands were declared as 'public lands' under the control of the Governor for the benefit of the inhabitants (Shivji, 1994) The Land Ordinance distinguished between two different types of rights: Granted rights

of occupancy, issued and registered by the Governor or his authorized subordinates, and in practice almost exclusively issued to non-natives. Deemed rights of occupancy on the other hand were rights held under customary law. Customary landowners were defined as 'natives or a native community lawfully using or occupying land in accordance with native law and custom' (Odgaard and Maganga, 1994). Such rights were not registered.

The broad definition of customary rights and rights holders, combined with the fact that there were no specific formal legal provisions for the protection of customary rights in the law, has made it easy for national authorities both during colonialism and after Independence, to use the land law to alienate land held under native law and custom (Shivji, 1994). This de facto insecurity of customary rights was not inherent in the customary system, but was a result of a deliberate policy refusing to entrench customary rights in law and thereby leaving them at the mercy of the expediency of governmental administration (Shivji, 1994). Paradoxically land use of lands held under custom was in fact enforced through law in the sense that there were numerous by-laws regulating cultivation, minimum acreage, conservation measures etc, a situation which has largely continued also after Independence (Shivji, 1994).

While this has enabled people who leave visible signs of use on their land to increase their security in tenure, it has implied that land used as pastures or for hunting and gathering purposes has easily been alienated. In the new land legislation customary land rights are better protected although there are still some problems for certain groups.

Today all land in Tanzania is still legally public land and vested in the president for and on behalf of all Tanzanian citizens (Wily, 2003, Mattee and Shem, 2006). Due to the fact that the President serves as a legal trustee for others, he cannot act like an ordinary landowner, and the actions he can take are formally limited to those that are in the public interest that is something that helps the nation (Wily, 2003). It is pointed out in the new Land Acts that various private investments in land may be in the interest of the nation and that any kind of land can be alienated for that purpose. Although procedures for taking land away from the villagers are laid out in the Village Land Act with for example rules of compensation, this quite extensive authority of the state over village land is by some observers seen as a continuation of a top-down and centralist approach which will have a

negative impact on local level influence on land matters (Shivji ,1999; Sundet, 2005). Others have raised concerns that this important role of the state in alienation of land for private investment purposes may imply a further undermining of pastoral and hunter gatherer land rights, which, as mentioned, are already not well defined in the formal legislation (Mattee and Shem, 2006).

Land is now divided into three categories: General Land, Reserve Land, and Village Land, and land management and administration is decentralised. The President in his capacity as the head of the executive, delegates his powers to the ministry officials to administer and manage land in all the three categories, and the central office in the administration of land is the Commissioner for Lands (Shivji, 1999). General Land is governed by the Land Act and directly under the Commissioner, Reserve Lands under statutory or other bodies set up with the powers over these lands. Forest Reserves are for example governed by the Forest Act (2002) and village land is governed by the Village Land Act and under the administration of the village council (Shivji, 1999). The village council acts as an agent of the Commissioner in administering land (Shivji, 1999). Village Councils operate as trustees on behalf of village members who together formally compose the Village Assembly. Thus the principle is that the Village Council administers the land through the authority of the Village Assembly – the highest authority at the village level (Wily, 2003; Shivji, 1999).

The village councils have to administer land in accordance with customary law, which according to the law means any rule that is established by usage and accepted as having the force of law by the community – the prevailing custom of the day in a given area (Wily, 2003) unless such customs are discriminating against certain individuals . What the prevailing customs ‘of the day’ may mean in actual practices in different contexts, considering the dynamic and changing nature of such customs, has been dealt with above.

The Village Land Act further divides village land into the following types:

- i) Communal and public use land,
- ii) Individual or family or group land over which landownership titles may be issued,

- iii) Reserved land - land reserved for future communal or individual use (Wily, 2003). The Act requires that communal village land is identified first. Communal land includes:
- a) “Any land that is already set aside for community or public use or has in practice been used as common land
 - b) Any land which is entirely free of occupation or use or any individual rights, and
 - c) Any other land that the Village Assembly agrees should be earmarked as their common property for one use or another (forest, school area, future place for churches, mosques)

The law directs villages to prepare land management plans in which various types of uses for each tract of land within the village area identified. The preparations of such plans have often given rise to disputes in many villages due to conflicting interests between different social groups in the village. Conflicting issues are often related to setting aside areas for grazing and for conservation.

The Land Acts of 1999 distinguish between two types of registered land rights e.g. granted right of occupancy and customary right of occupancy. In general the former type is allocated in urban areas whereas the latter in rural areas. These forms are equally secure although there are a number of differences between them. One such difference is that Customary Right of Occupancy may be owned for an indefinite period while a Granted Right of occupancy may only last for up to 99 years (Wily, 2003).

The plural legal situation existing in Tanzania is thus reflected in the new Land Acts. Customary land rights are recognized by the present Land Acts whether such rights are registered or not. The Land Acts of 1999 have replaced the Land Ordinance of 1923, which as mentioned with a number of amendments and additional acts composed the major legal framework for regulation of land rights in Tanzania previously.

One of the additional acts, which have had an important impact on the land right situation in the rural areas today, is the Villages and Ujamaa Villages Act of 1975.

This Act provided the justification for the Villagization program, which was implemented during the period 1973-1976. The villagization program aimed at resettling people in

villages with communal or co-operative production, and implied, in the areas where it became effective, that local customary rights formally were extinguished and that the traditional settlement pattern changed radically (Ojalammi ,2006).

The disastrous effects on agricultural production of villagization, and other institutional and policy changes during the 1960s and 1970s, hit the Tanzanian economy hard from the late 1970s and onwards (Svendsen, 1986. Raikes 1986). This was indirectly recognized in later agricultural policies, notably the Agricultural Policy of Tanzania . (URT, 1983). The importance of secure land rights for the producers is emphasized, and customary rights to land are acknowledged as the main and most widespread form of tenure in Tanzania (URT, 1983).

In terms of land rights this and other provisions have implied that the resettled part of the rural population in many areas have returned to their areas of origin and have made claims to previously occupied land. In cases where the verification process had implied resettlement of other people conflicting claims was the result, and in some areas the number of conflicts was huge. In order to deal with such problems the Regulation of Land Tenure (Established Villages) Act 1992 which all customary land rights in respect of village lands were extinguished, was rushed through Parliament in February 1992 (Mwaiakusa, 1993). However, after several court cases the Act was finally deemed unconstitutional, and in the Land Acts of 1999 customary rights are as mentioned given full recognition.

The Village Land Act of 1999 does though contain provisions for the protection of customary rights allocated to people during villagization. It is important to mention though that not all areas of Tanzania were evenly affected by the villagization policy. Thus for example in the most prosperous coffee and tea growing areas of the Northern and Southern Highlands very few people were resettled. Here villagization mainly meant a redefinition of administrative units (Odgaard, 1986; Raikes, 1986). Land pressure and the many land conflicts, which have been identified in these areas since the 1920s and 1930s ;(Moore, 1986; Odgaard ,1997), were caused to a large extent by huge land alienations and commercialization resulting in very skewed land distribution. (Shivji, 1994; Mbilinyi, 1991; Odgaard, 1986; 1997).

Although customary rights were indirectly recognized in previous land legislation in Tanzania they could not be formally registered or transacted. Today customary rights may be mortgaged and sold. These provisions are included in order to facilitate the promotion of a land market, which is seen as very important, especially by international observers and donor representatives. However, contrary to what has often been thought, landed property has during the times been changing hands across family and clan divisions in various parts of Tanzania, and a land market has existed for a long time.

Previously a land title could only be given to individuals, but today land rights may be registered in the name of individuals, as spouses, a family unit, a group or a whole community. The last mentioned provisions may serve as an extra source of protection of the land rights of married women, children, and communally held land rights (groups or communities). Recognizing that there are certain groups whose rights have previously not been clearly specified and which therefore need special attention the Village Land Act part II contains specific provisions for the land rights of women (URT, 1999b). Here one of the general principles of the Land Policy is spelled out as follows: “The right of every woman to acquire, hold, use and deal with land shall to the same extent and subject to the same restriction be treated as the right of any man” (URT, 1999b) This gender equality principle is further reflected in provisions in relation to land applications for example (URT, 1999b) and in assignment of customary rights by villagers (URT, 1999b).

2.6.2 Land Conflicts Management in Tanzania

Conflicts related to land rights issues in Tanzania is not a new phenomenon. However, some of the conflicts have changed in nature and have been growing and become more complex, violent and often involving large numbers of people with different cultural backgrounds. Existing mechanisms to deal with the conflicts have therefore become insufficient. Many of the conflicts escalate, reach the headlines in the press and have an impact on macro-level politics. Inter- and intra family conflicts, neighbour disputes, inter- and intra- village conflicts are also still there, and, it seems, are becoming more and more frequent.

In areas with high potential for agricultural production pressure on land was reported as early as in the 1920s, notably parts of the South Western Highlands and in areas around

Mount Kilimanjaro and Mount Meru in the North. During colonial times large parts in these areas were taken up by private as well as publicly owned estates, and after Independence also by state farms. In areas with expanding cities and peri-urban areas land competition and land conflicts have been everyday phenomenon for decades. Land alienation or outright land-grabbing, especially in peri-urban areas and areas with agricultural potential, has been widespread throughout the 1980s and 1990s (Shivji, 1999; Brehoni *et al* 2001). Land grabbing is still widespread, and dubious transactions of large tracts of land are not uncommon either (Odgaard *et al.*, 2005; Ojalammi, 2006).

Increasing land scarcity and conflicts of interest between different land users in these and other areas have implied that huge numbers of people have migrated in search of arable land and pastures elsewhere. Areas that are marginal in terms of fertility and situated in semi-arid parts of the country with erratic rainfall are now increasingly being used for cultivation. The effects of this are aggravated by the fact that the majority of people cultivating in these areas cannot afford to use any inputs to maintain/improve soil fertility (Nielsen *et al*, 2005, Odgaard *et al*, 2005).

Other implications of the spread of cultivation into marginal areas, is that access to grazing areas is consequently diminishing (Odgaard *et al.*; 2005, Mattee and Shem, 2006). An increasing number of land conflicts are now occurring between different interest groups and between various types of land use. (Odgaard *et al.*; 2005; Ojalammi, 2006, Maganga *et al.*; 2006).

2.7 Conceptual Framework

Kombo and Tromp (2006) describes conceptual framework as it contributes towards the formulation of the research design hence it provides reference points for discussion of research design and analysis of data. Rural livelihoods depend on number of factors but clear land-use plans are one of these factors. So if land use conflicts emerge it is very difficult to experience harmonious and equitable development.

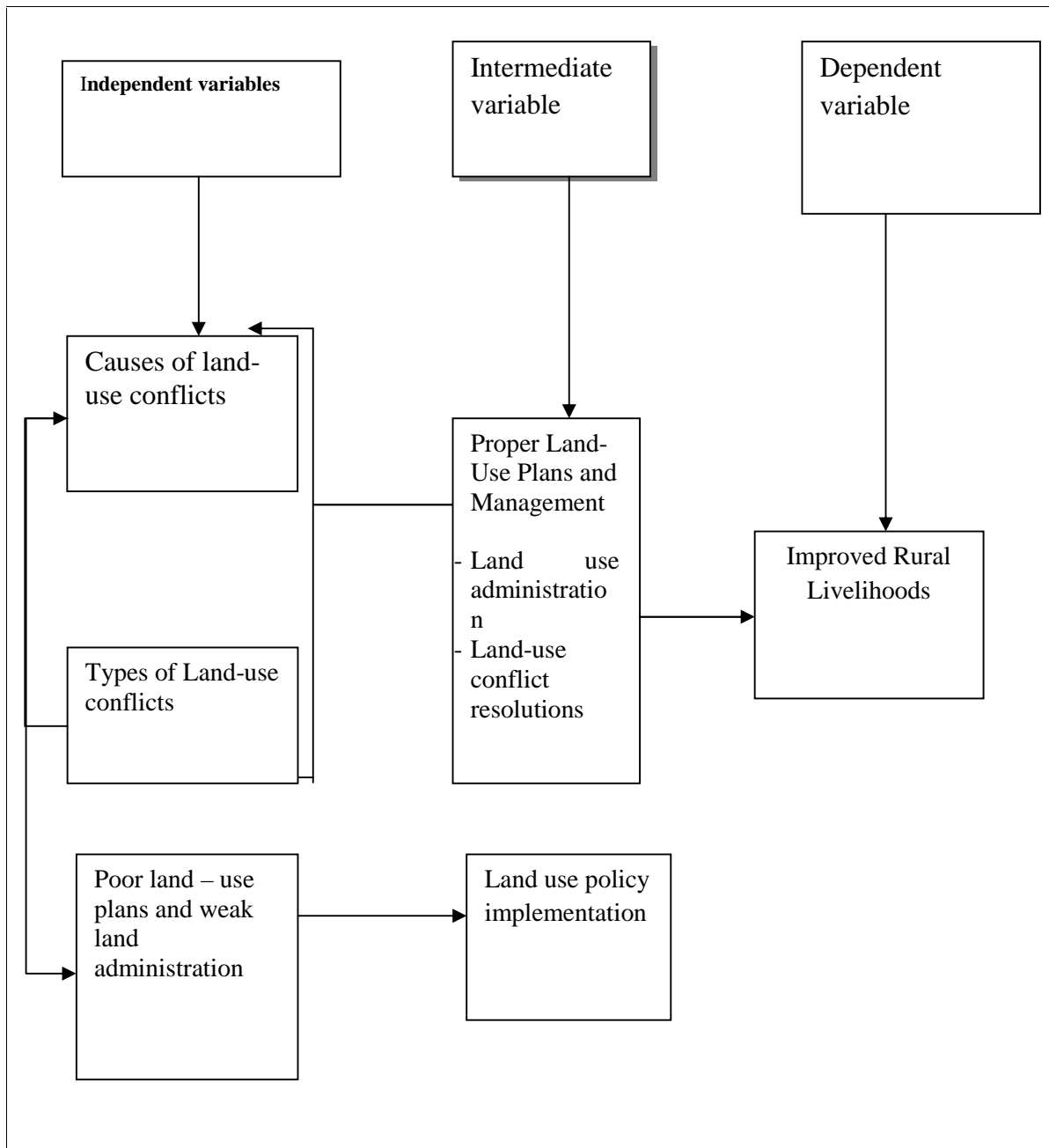
Independent variables are variables that causes changes to a dependent variable or variables. Under this study, **Causes of land-use conflicts; Types of Land-use conflicts; and Poor land – use plans and weak land administration** are independent variables.

Dependent variable is the variable that changes in response to changes in other variable, under this study dependent variable is **Improved Rural Livelihoods**.

In the conceptual framework above, the arrows shows the relationships between the various variables. Land conflicts in most communities stem from poor management of the land tenure system practiced, loss of male members in a family, inheritance of the deceased properties land inclusive, inter-clan/tribal clashes.

These are some of the causes of land conflicts and have serious effects on the rural livelihoods like loss of income, widow-ship, low food production, becoming landless, poor housing facilities, loss contact with families and also marriage breaks. On the other hand some of the intervention present like government policies, Police, LGAs, courts of law, land boards and tribunal seem not adequately handle the escalating land conflicts in Kongwa district. The majority of the population does not have sufficient; knowledge, policy implementation procedures and the associated costs have scared most people in seeking services of land tribunals so as to resolve land conflicts and disputes.

Figure 2.1: The Conceptual framework



CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter is devoted to the methodology of the study in which the; research design, sample size, sampling techniques, instruments of data collection and methods of data analysis are discussed.

3.2 Research Design

The study is descriptive. This gives a clear picture of the study under investigation. The quantitative and qualitative approaches were adopted to produce the descriptive data to analyse the effects of land conflicts in the sustainable rural livelihoods within the selected villages in Kongwa District, Dodoma Region.

The study based on the research questions and conclusion was made in a descriptive approach where findings were analyzed answering the questions raised by the researcher.

3.3 Research area

The study location is Kongwa District, Dodoma region due to the facts that, in the recent years there has been the tendency of land conflicts around the Kongwa District. Kongwa District is one of the 7 districts of Dodoma region. Located at 6°10'23" S 35°44'31" E coordinates: 6°10'23" S 35°44'31" E, in the centre of the country, the town is 486 kilometers west of Dar es Salaam and 441 kilometers south of Arusha, the headquarters of the East African Community. It covers an area of 2,669 square kilometers of which 625 square kilometers are ruralized. This study was conducted in two villages Songambebe and Mkoka in Kongwa District. (Appendix 4).

3.4 Population of the Study

The study population consisted of; staff at village, Ward and District level, members land tribunals at all levels in the study areas. The population study was carried out according to Keya *et al.*; (1989).

3.5 Sample Size and Sampling Design

3.5.1 Sampling design

The sampling design is a definite plan for obtaining a sample from a given population (Kothari, 2004). It refers to the technique or the procedure the researcher would adopt in selecting items for the sample. The researcher used probability sampling to determine the members of village land committees and members of Land Tribunal which required direct intervention of land-use conflicts. Cluster sampling is a technique, which needs to divide the population into discrete groups prior to sampling (Henry, 1990).

In this study random sampling was used in selecting samples from Villagers. A list of all members of village land committees, members of Land Tribunals and Villagers was drawn. The purposive sampling was carried out according to Cohen *et al.* ,(2000).

3.5.2 Sample size

Determination of sample size was achieved by using the formula (Taro,1964).

$$n = \frac{N}{1 + N(e)^2}$$

Where n = sample size

N = population of the study which was 6800

e = margin of error and in this case, e = 10% (chosen by the researcher)

1 = constant

Therefore;

$$n = \frac{N}{1 + N(e)^2}$$

$$n = \frac{6800}{1 + 6800(0.1)^2}$$

$$n = \frac{6800}{1 + 6800(0.01)}$$

$$n = \frac{6800}{1 + 64}$$

$$n = \frac{6800}{65}$$

$$n = 105$$

The study sample consisted of villagers and members of respective authorities. Random, purposive and judgmental sampling techniques were used in selecting the respondents. In the first stage, villagers were randomly selected. Secondly, Members of village land committees were purposively selected from each of the ward, village and district levels. Thirdly, members of Land Tribunal was judgmentally selected.

Table 3.1 Sample Size of Respondents

S/N	Respondents	Estimated Total Sampled Size
1.	Members of village land committees	5
2.	Members of Land Tribunals	10
3.	Households	90
Total		105

3.6 Data Collection Methods

Primary data were collected by using direct personal interviews and self-administered questionnaire. Secondary data were also employed. Review of the available literature on the effects of land conflicts that affect the socio-economic status of women either published or unpublished were explored. Journals, Periodicals, newspaper and on-line resources like internet also formed part of the secondary.

3.7 Data collection tools

3.7.1 Questionnaires

The Questionnaire was the main instrument in data collection. Questionnaire was preferred because it managed to collect information from a large sample in a very short time. The questionnaires contained both open and closed-ended items which were used to collect information from the head of households and members of village land committees in the study areas as shown in(Appendix 1,Appendix 2 and Appendix 3.)

3.7.2 Interviews

This method was employed to collect information from Members of Land Tribunals , village land committees.

3.7.3 Observation

This method was also used in collecting data from the field. Observation was made from attending local council courts related to land dispute settlements. The researcher attended the clan sittings to understand how land disputes arise and are disposed in the traditional

manner. Other observations were based on analyzing the land fertility, ample land, livestock's health, water sources and attitudes of farmers and pastoralists.

3.7.4 Documents Review

Documentary review was carried out according to Saunders *et al.*; (2007). The sources for this type of data included text books, magazines, encyclopedia, articles, and professional journals. Also the researcher used documents such as Local Government (Rural Authorities) Act, 1982, Local Government (District Authorities) Act, 1982, Land Disputes Settlement Act, 2002.

3.8 Reliability and validity of data

3.8.1 Reliability

Reliability is the extent to which a tool for data collection such as questionnaire, test observation or any other measurement procedure produces the same results on repeated trials. Reliability of data were tested according to Allen and Yen (1979). In the current study, different questions were constructed cutting across the designed objectives. Data collected were tested before the actual survey.

3.8.2 Validity

Validity is the extent in which the instruments measures what it intend to measure in the study. In this study, the validity of the data were tasted according to Kimerlin and Winsterstein (2005).

The validity of data collection tools was assured by accommodating comments from the supervisor, administration of tools by the researcher face to face and testing of some tool before the actual data collection.

3.9 Data Processing and Analysis

Both qualitative and quantitative methods were used and applied in processing the data collected. Qualitative procedure involved factual and logical interpretation of the findings through interviews, observation and documents reviews. The quantitative procedure was involved by obtaining the findings through questionnaires and processed via statistical package. Data were edited, coded, classified and tabulated with a view of reducing it to manageable proportions. SPSS computer software was employed to analyze data and interpretation in order to draw conclusions.

CHAPTER FOUR

RESULTS PRESENTATION

4.0 Introduction

This chapter presents results of the study. The results of the study were based on data and information from respondents, heads of households, district land officers, Members of land tribunals and village land committees of Songambebe and Mkoka villages in Kongwa district.

4.1 Socio-economic Characteristics of the Households

The targeted groups of respondents were heads of households in Songambebe and Mkoka villages. The discussed characteristic of respondents include: sex, age, marital status, occupation and level of education.

4.1.1 Gender of the respondents

A total number of 90 respondents from the two villages Songambebe and Mkoka were examined of these 53 (58.9%) were females and 37 (41.1%) were males as shown in Table 4.1

Table 4.1: Demographic characteristics of the respondents

Sex of respondent	Frequency	Percentage (%)
Male	37	41.1
Female	53	58.9
Total	90	100.0
Age of respondents in years		
18 – 25	16	17.8
26 – 35	19	21.1
36 – 45	19	21.1
46 – 55	19	21.1
56 – 65	9	10.0
65 and above	8	8.9
Total	90	100.0
Marital status of the household head		
Single	11	12.2
Married	73	81.1
Separated	5	5.6
Widowed	1	1.1
Total	90	100.0
Level of education of the household head		
Primary education	69	76.7
Secondary education	11	11.1
Illiterate	10	12.2
Total	90	100.0

4.1.2 Age of the respondents

The results Table 4.1 shows most of respondents were aged between 36 to 45 years which accounted to 21.1% of total respondents followed by 17.8% respondents whose age ranged between 18 to 25 years and 10% respondents ranged between 56-65 years.

4.1.3 Marital status of the respondents

A total of 90 respondents were interviewed out of these 73 (81.1%) were married, 11 (12.2%) were single, 5 (5.6%) were separated and 1 (1.1%) was a widow as shown in Table 4.1.

4.1.4 Economic activities of the respondents

Economic activities undertaken by the respondents were 78 (86.7.0%) were involved in agricultural activities, 6 (6.7%) business, 2 (2.2%) employees and 1 (1.1%) was involved in pastoral as shown in Table 4.2.

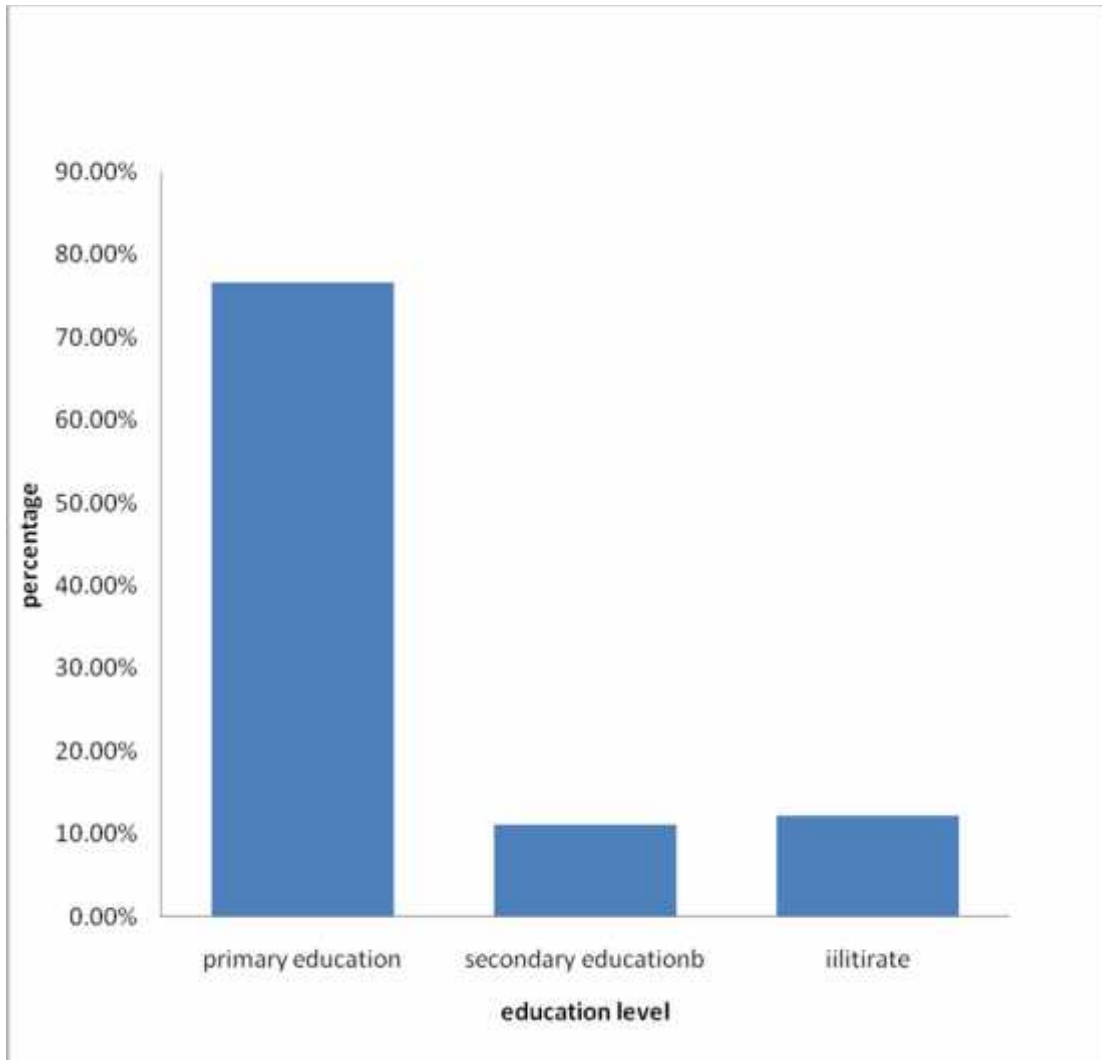
Table 4.2: Economic activities of the respondents

Variable	Findings	
	Frequency (N=87)	Percentage (%)
Agriculture	78	86.7
Business	6	6.7
Employment	2	2.2
Pastoral	1	1.1
Total	87	96.7

4.1.5 Level of education of the respondents

Results on the education level of respondents showed that 69 (76.7%) respondents had completed primary school, 11 (11.1%) had secondary school education level and 11 (12.2%) had not attended school as shown in Table 4.3 and Figure 4.1.

Figure 4.1: Education levels of the respondents

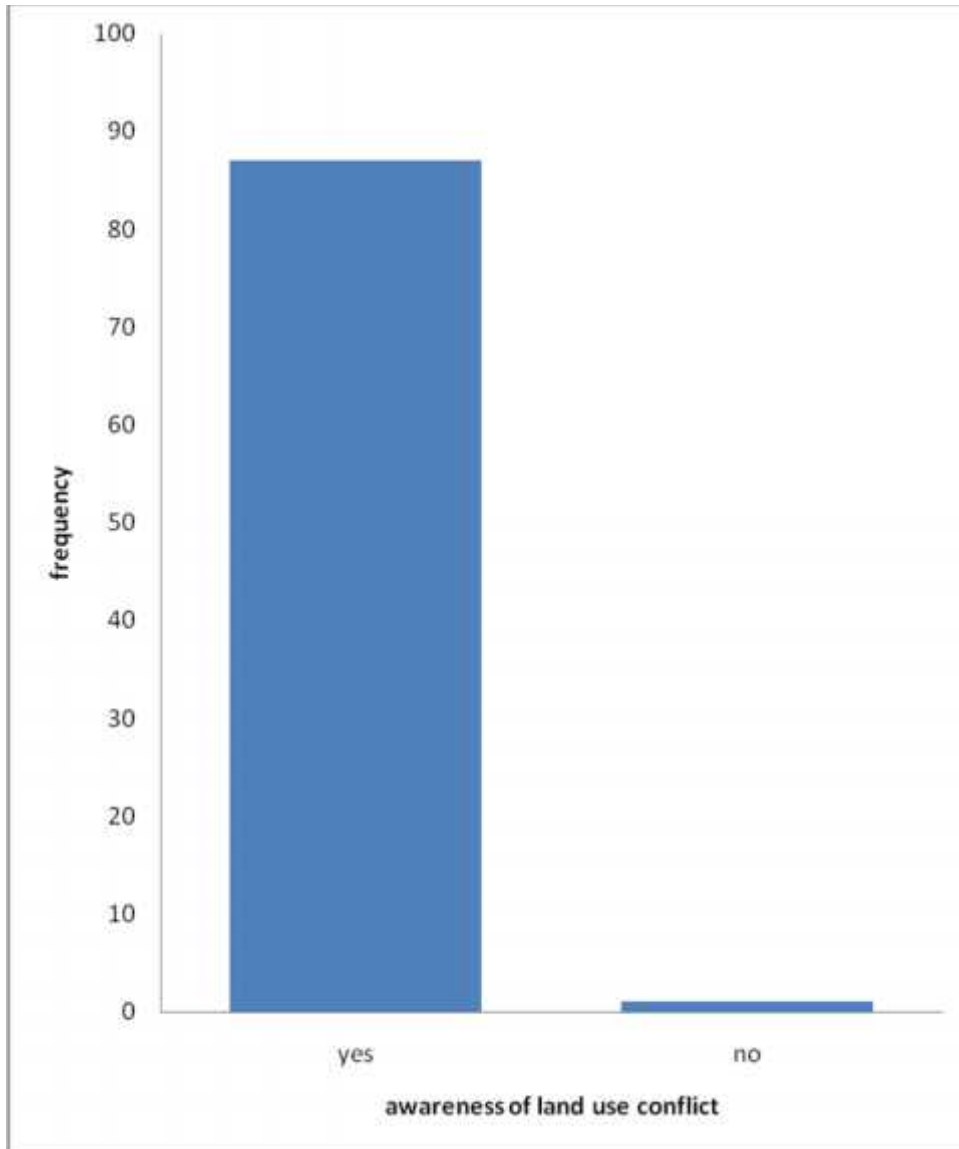


4.2. Causes of Land Use Conflicts as per households' perspectives

4.2.1 Awareness of land-use conflicts to the dwellers

The results indicated 87 (98.9%) respondents accepted that they were aware of land-use conflicts in their villages and 1 (1.1%) was not aware of land conflict in the village as shown in Figure 4.2.

Figure 4.2: Awareness of land-use conflicts to the dwellers

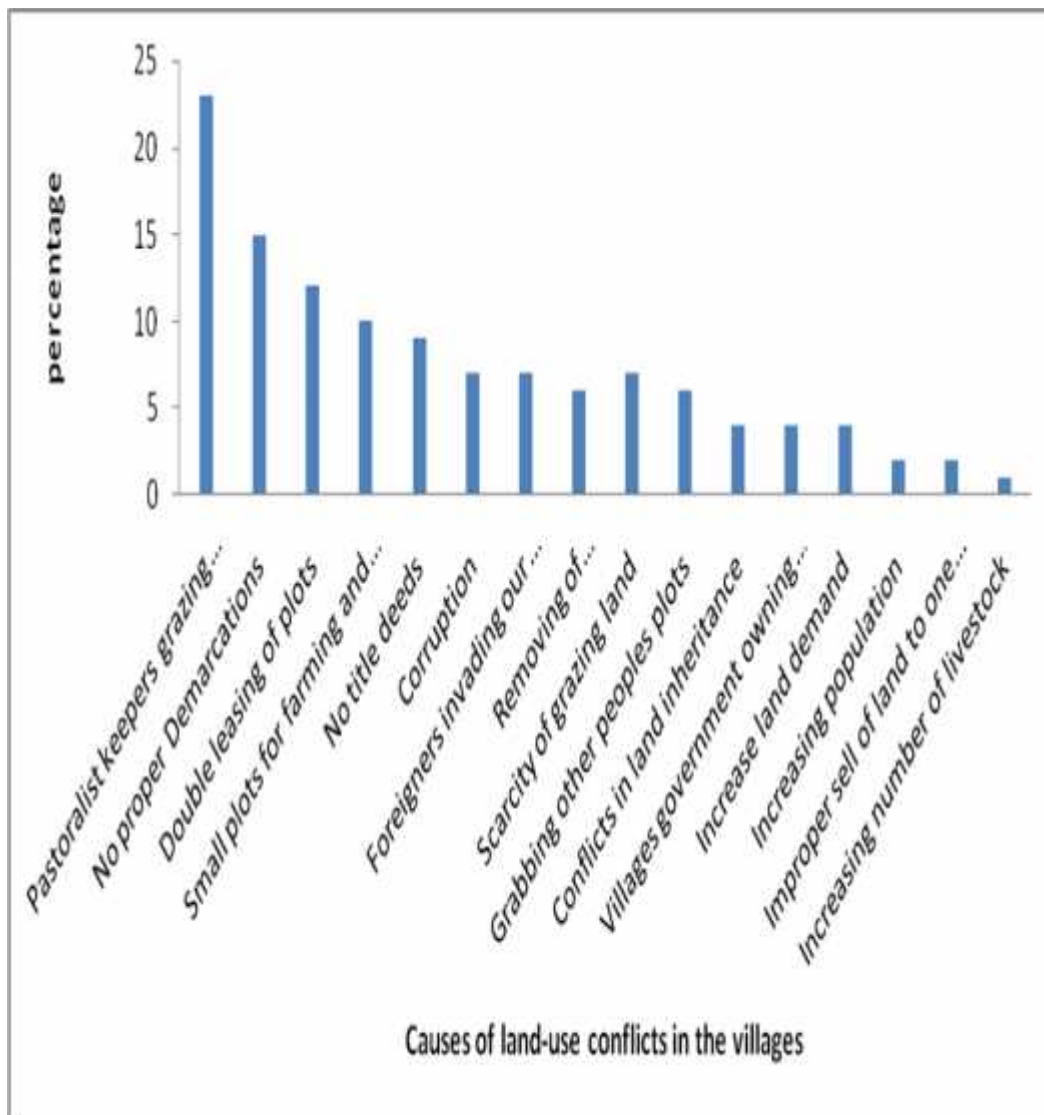


4.2.2 Causes of land use conflicts as per households' perspectives

Results shows that 23.3% of land use conflicts were mainly caused by pastoralists grazing cattle in the farms,15.3% there was no proper demarcations, 12.0% was due to double leasing of plots, 9.1% was due to no title deeds, 6.5% was due to scarcity of grazing land, 5.8% was due to grabbing other peoples plots and 6.2% was due to removing of demarcations. Other minor causes were population increase 2.2%, 4.4% was

due to conflicts in land inheritance, 2.2% was due to improper sell of land to one another, 1.1 was due to increase number of livestock and 4.0% was due to increase land demand as shown in Figure 4.3.

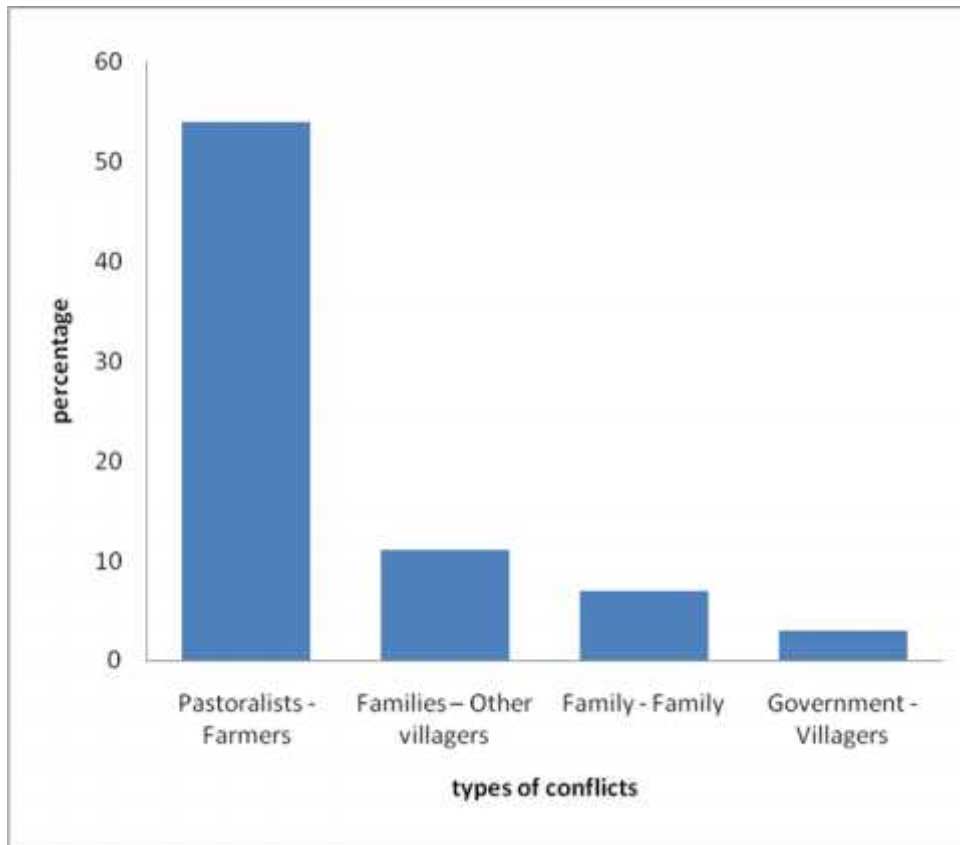
Figure 4.3: Causes of land-use conflicts in the villages



4.3. Types of Land Use Conflicts as per households' perspectives

In this study 84 (93.3%) respondents answered that there were conflicts between pastoralists and farmers on land-use in the villages, 2 (2.2%) respondents answered that there were conflicts concerning land-use between families and 1 (1.1%) responded that there were conflicts between the families and other villagers as shown in Figure 4.4

Figure 4.4: Kind of land-use conflict (types)

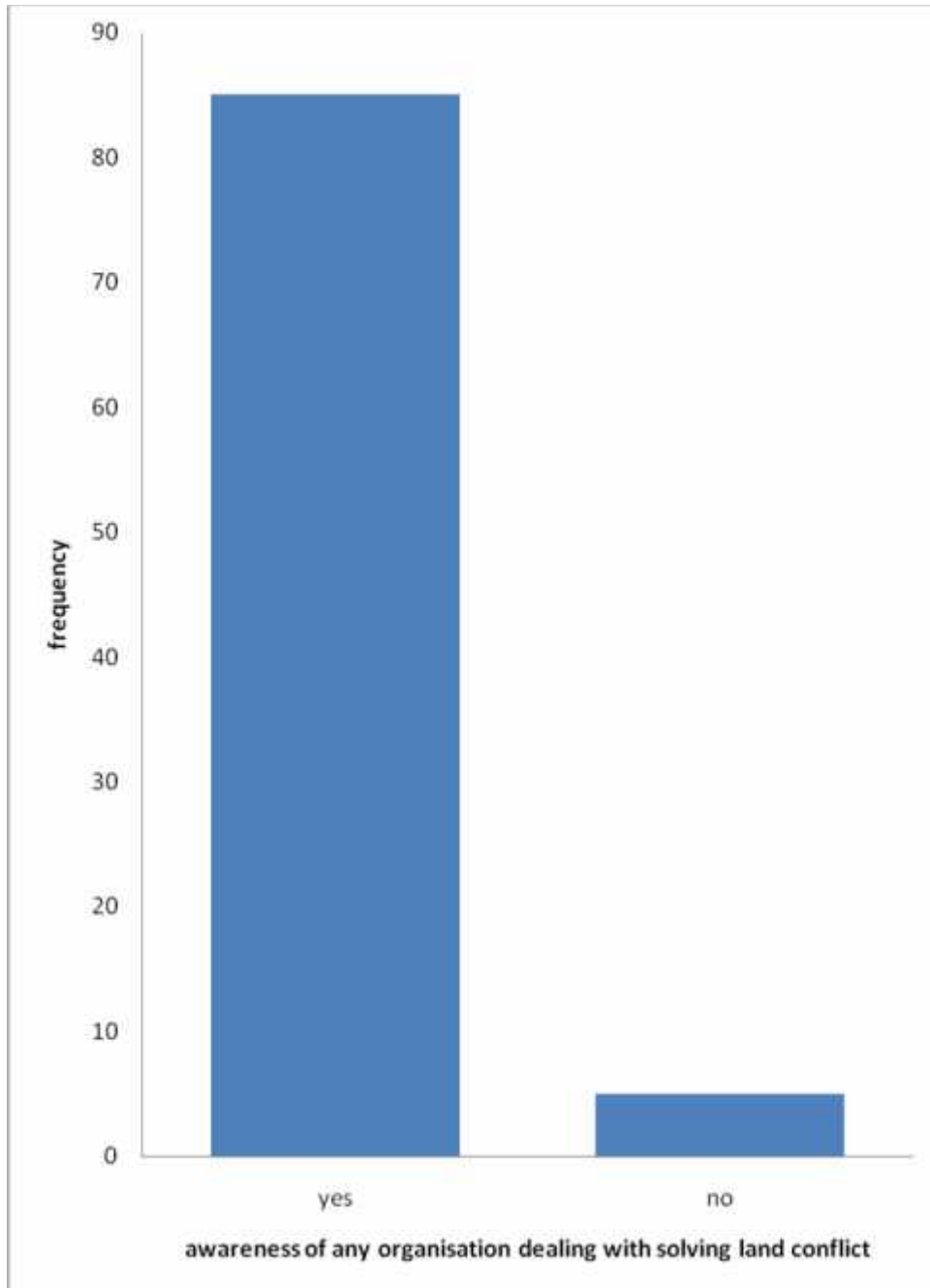


4.4 Land-use conflicts resolutions as per households' perspectives

4.4.1 Awareness of organizations dealing with solving land conflicts

In the present study, 85 (94.4%) respondents agreed to have organizations dealing with solving of land-use conflicts in their villages, 5 (5.6%) were not aware of such organizations for solving land-use conflicts as shown in Figure

Figure 4.5: Awareness of any organization dealing with solving land conflicts



4.4.2 Satisfaction of decisions made by organizations

Households were asked whether they were satisfied with decisions made by the organizations in solving land use conflicts. The respondents interviewed 37 (43.0%) responded to be satisfied with the decisions made by organizations while 49 (57.0%)

responded to be not satisfied with the decisions made by the organizations as shown in Table 4.4.

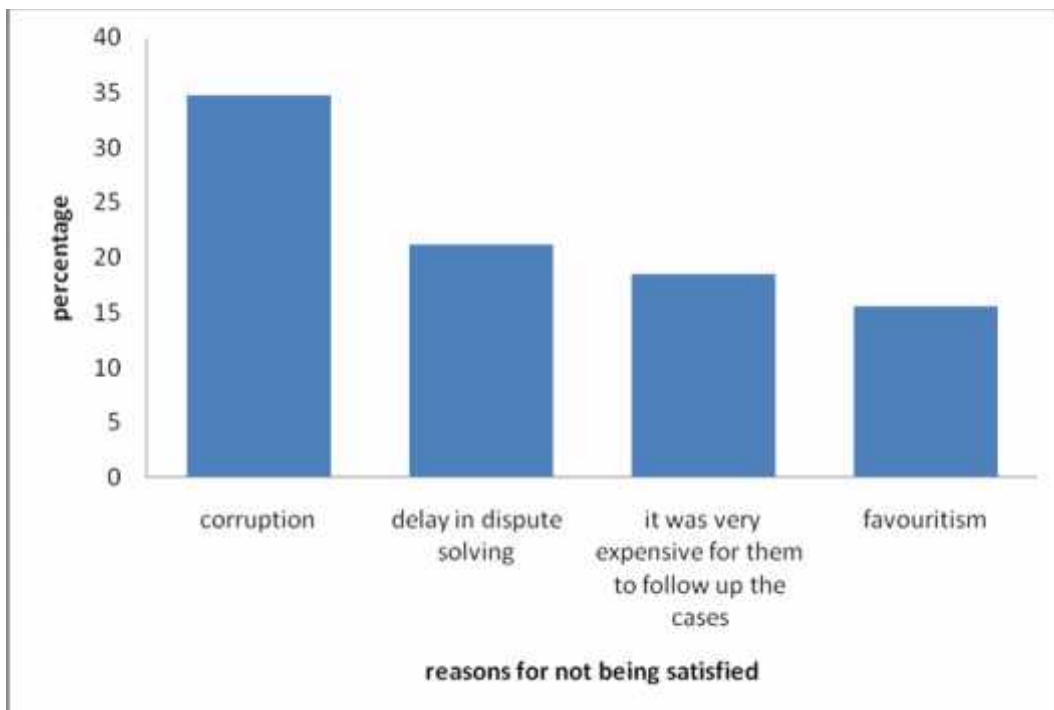
Table 4. 3: Respondents’ satisfaction towards solving of land-use conflicts

Variable	Findings		
	Response	Frequency (N=86)	Percentage (%)
Level of satisfaction offered by organization(s) in solving land conflicts	Yes	37	43.0
	No	49	57.0
Total		86	100

4.4.3 Reasons for dissatisfaction of decisions in solving land conflicts

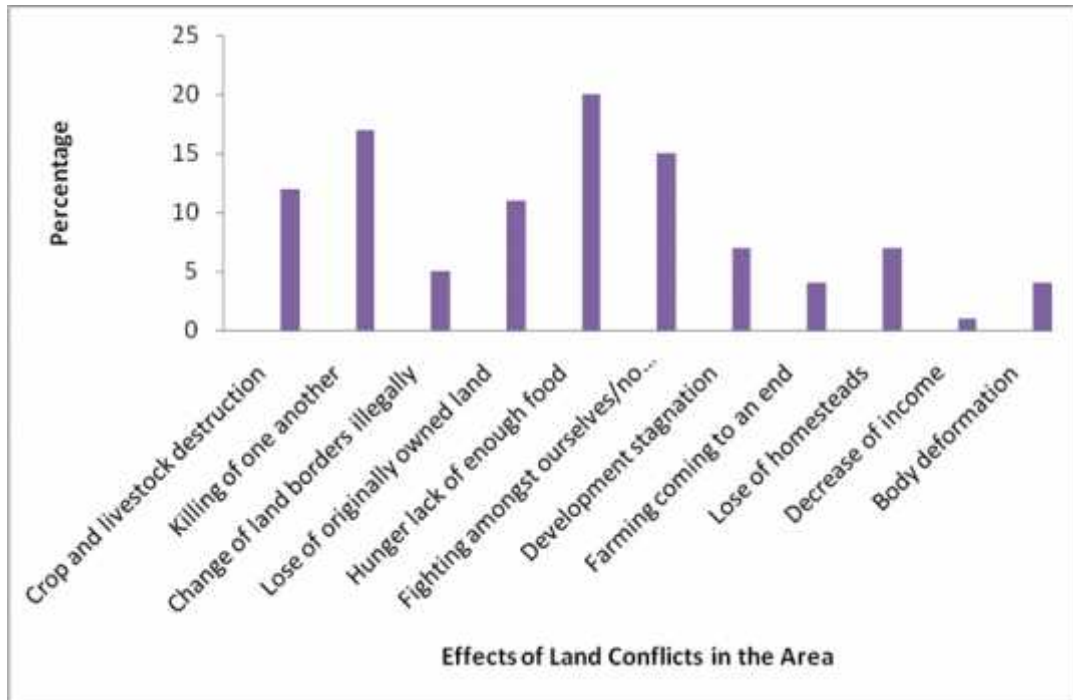
The respondents interviewed 41 (34.7%) answered that corruption was the cause for them not to be satisfied with organizations’ decision, 25 (21.2%) answered that delay in dispute solving also is part of their dissatisfaction, 22 (18.5%) of the respondents answered that it was very expensive for them to follow up the cases and 30 (15.5%) respondents answered that there was favouritism in decision making of the cases as shown in Figure 4.6.

Figure 4.6: Reasons for not being satisfied with decisions made by organizations



4.5 The Consequences of Land Use Conflicts

Figure 4.7: Effects resulting from land-use conflicts

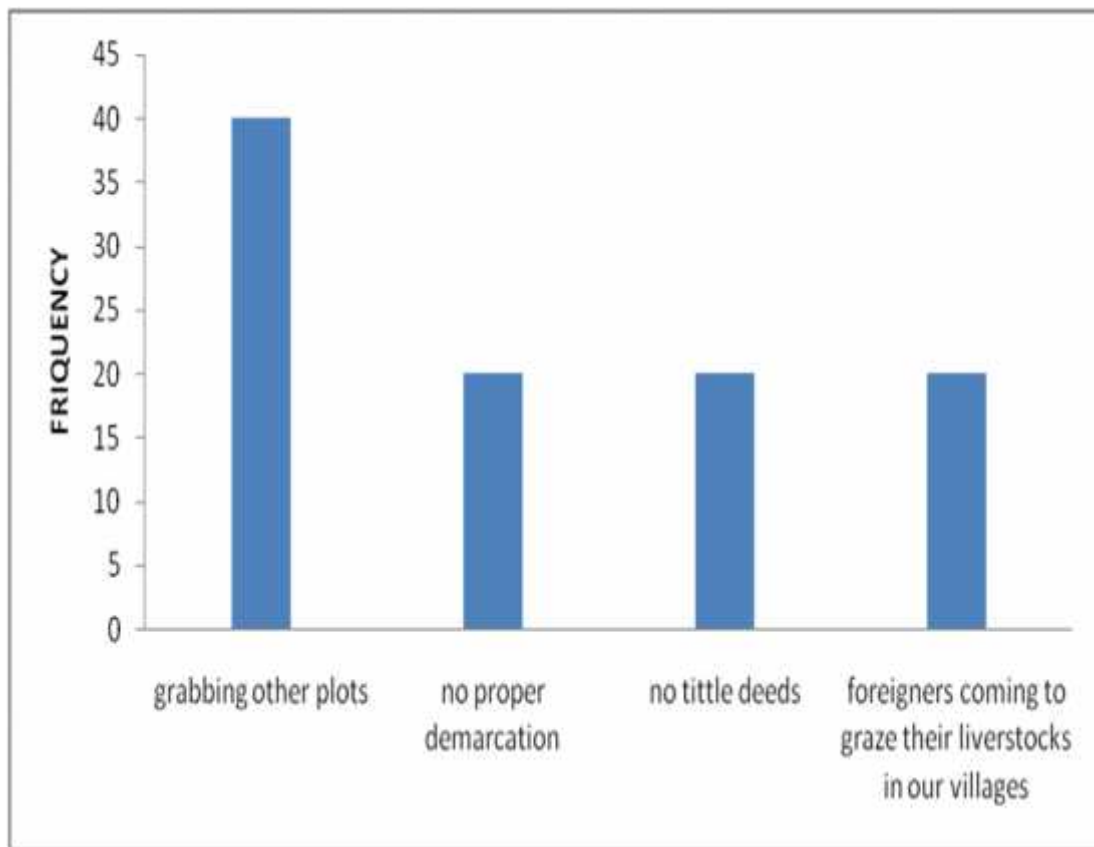


Out of the respondents interviewed (17.3%) of respondents revealed that there was killing of one another, (19.5%) lack of food, (15.4%) responded that there were cases of fighting amongst themselves which resulted to loss of peace among the villagers, (12.8%) crops and livestock destruction was another effect resulting from land use conflicts, (10.9%) of respondents revealed that conflicts resulted to loss of originally owned land after losing the fight, (7.1%) of respondents revealed that there was development stagnation and (4.5%) of respondents answered that there was change of border illegally as presented in (Figure 4.7).

4.5 Causes of land-use conflicts as per village land committees' perspectives

Out of the respondents interviewed, 2 (40%) of the respondents revealed that there was grabbing of other peoples' plots, 1 (20%) revealed that there was lack of demarcation, 1 (20%) responded that there was lack of title deeds, and 1 (20%) revealed that foreigners were coming to graze their livestock in the villages as shown in Figure 4.8.

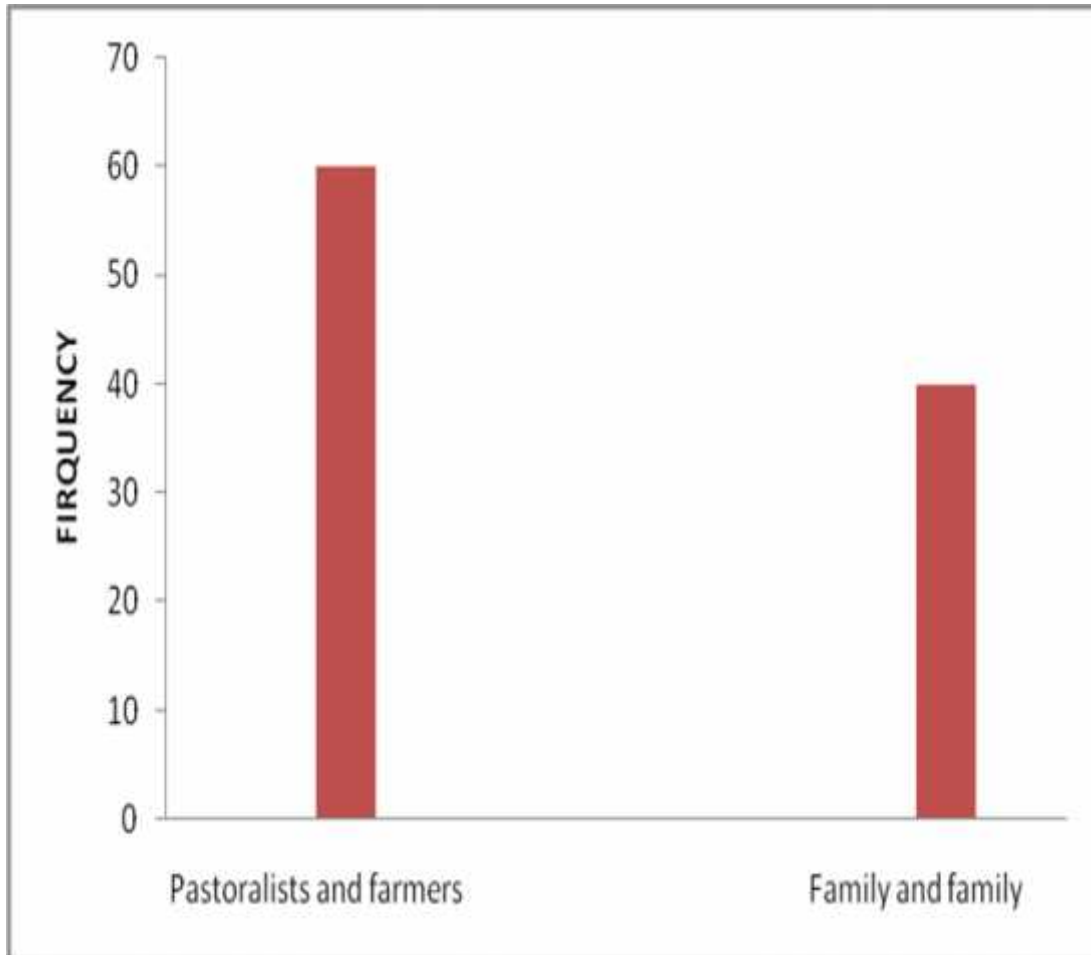
Figure 4.8: Causes of land-use conflicts as per village land committees' perspectives



4.6 Types of land-use conflicts as per village committees' perspectives

A total of 5 members of village land committee were interviewed out of these 3 (60%) answered that the main kind of land-use conflict was between pastoralists and farmers while 2 (40%) of respondents agreed that there were conflicts between families as shown in Figure 4.9.

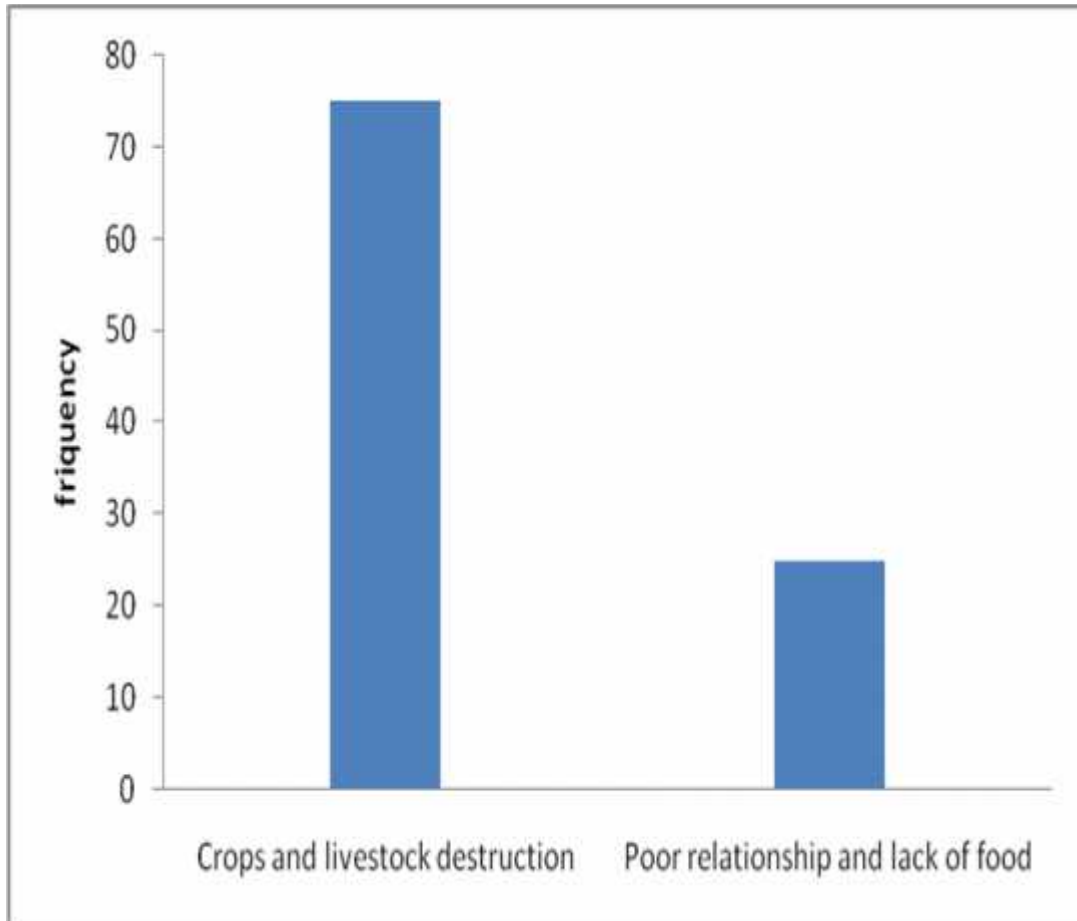
Figure 4.9: Types of land-use conflicts as per village land committees' perspectives



4.7 The effects of land-use conflicts as per village land committees' perspectives

A total of 5 committee members were asked to mention the effects of land-use conflicts, out of these 4(75%) replied that there was both crops and livestock destruction, and only 1 (25%) responded that there was poor relationship and lack of food to household as shown in Figure 4.10.

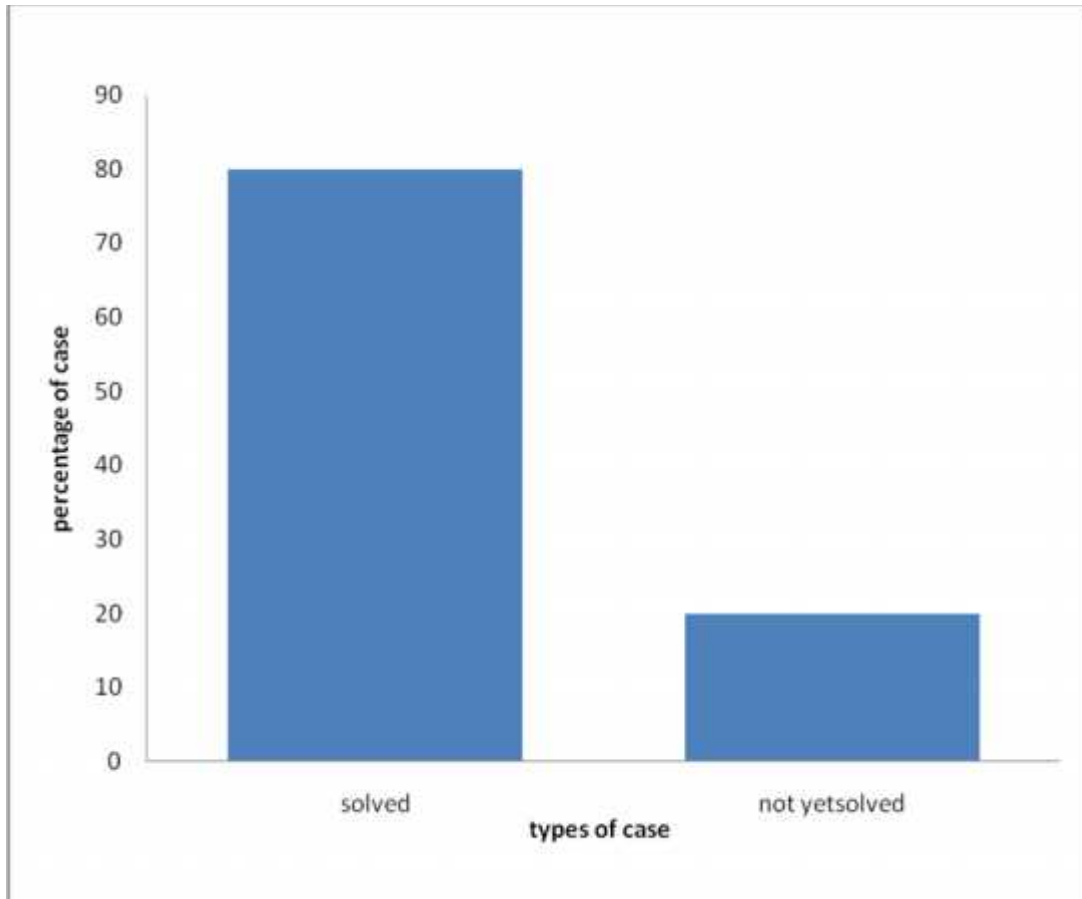
Figure 4.10: Effects of land conflicts as per members of village land committee



4.8 Status of cases referred to the high level as per village land committee’s members

A total of 5 village land committee’s members were interviewed out of these 4(80%) answered that most cases were solved when referred to the higher levels and 1 (20%) responded that there were still some cases pending as shown in Figure 4.11.

Figure 4.11: Status of cases referred to the high level



4.9 Opinions from the members of land tribunals

Personal interviews were conducted to 10 members of land tribunal out of these 5 respondents were from Songambele office and 5 respondents from Mkoka office as shown in Figure 4.12.

Figure 4.12: Researcher conducting an interview with Members of Land tribunal in Songambebe village Kongwa District



4.9.1 Magnitude of land-use conflicts

A total of 10 members of land tribunal were interviewed, out of these, 9 (90%) respondents revealed that there was serious land conflict persisting in the villages, 1 (10%) participant responded that land-use conflicts which existed were just minor cases.

4.9.2 Types of land-use conflicts

Respondents narrated that most of conflicts were between farmers and pastoralists. The number of pending case were 54 (72.0%) pastoralists against farmers, 11 (14.7%) families against other villagers, 7 (9.3%) family against family and 3 (4.0%) Government against villagers as shown in Table 4.6

Table 4.4 types of land use conflicts

Type of Cases	No. of cases	Percentage
Pastoralists - Farmers	54	72.0
Families – Other villagers	11	14.7
Family - Family	7	9.3
Government - Villagers	3	4.0
Total	75	100

Figure 4.13: Cattle grazing in the drought land



Figure 4.14: Undeveloped land due to land-use conflict



CHAPTER FIVE

FINDINGS AND DISCUSSION

5.0 Introduction

This chapter discusses findings collected from Mkoka and Songambebe villages in Kongwa District, Dodoma Region. The findings were all about Assessment of Land use conflicts on improving Rural Livelihoods.

5.1 Demographic characteristics of the respondents

The study result indicates that, the majority of respondents (58.9%) were female while (41.1%) were male. Male respondents were few due to family responsibility contrary to female who in most cases were at home looking after children and other home activities hence more participated during the field data collections. The findings of this study further revealed that, the majority of the respondents (21.1%) were aged between 26-35 years, followed by aged group 46-55 years for (21.1%) while only (8.9%) were above 65 years. This evidenced that, the research has taken into consideration the age group that is vulnerable to conflict. One among the reason was family responsibilities where by most of this age group were struggling for life which depends on land resource. During the process of production and redistribution of resources they were at risk to enter into conflicts with their counter parts. The study also involved people of aged above 65 years since most of them are elders who are expected on the mechanisms for handling various conflicts within the community. These findings are similar with Land Disputes ACT, NO 2 of 2002.

The findings show that (76.7%) of the respondents attained primary education, (11.1%) attained secondary education and (12.2%) were illiterate. These results were an indication that most of the Mkoka and Songambebe people lack secondary education and therefore depend largely on animal keeping and crop cultivation. Although the findings show that majority (76.7%) of the respondents' attained primary education, this level is very low and cannot enable them to be employed in the formal sectors which hinder their development.

5.2 Causes of land use conflicts

The results in the present study show that the main causes of land use conflicts in Mkoka and Songambebe villages are pastoralist who graze cattle in farmers farms. It was found that most of pastoralists living in Mkoka and Songambebe have a tendency of grazing their cattle into various farmers farms. The respondents confirmed that during dry season, pastoralists do graze their cattle in farmers farms. This situation brings a lot of complaints to the farmers by pastoralists. Secondly, there is no proper demarcation of land use plan which indicates land for different purposes such as land for farming and land for grazing cattle.

The results of the present study agree with the results of conflicts between peasants and pastoralist in kilosa district in 2000 and 2008 which claimed lives of people (LHRC, LEAT and LRRRI,2008).

Also Lillian and Judah (2012) reported that causes of land use conflict between the newly created districts of Tigania and Tharaka in Kenya was due to lack of clear boundaries, lack of policy and laws on land use.

5.3 Effects of land use conflict

Different effects of land use conflicts which happened in Mkoka and Songambebe villages have been reported in this study. The conflict resulted people to stop engaging in agricultural production which lead to the decline of production and eventually hunger. Another effects are killing of people and burning of houses.

According to Porokwa (2001) in the study done in Kilosa district, Morogoro region, Kilindi district, Tanga region, Mbarali district in Mbeya region and Hanang district, Manyara region concerning pastoralist and farmers conflict reported that, the effects of land use conflicts can result into a loss of people's lives particularly women and children.

5.4 Types of land use conflicts

The study found that in Mkoka and Songambebe villages there are three existing types of land use conflicts namely: pastoralists and farmers, family to family and family to villagers.

5.4.1 Pastoralists against farmers

The study revealed that the main type of conflict in Mkoka and Songambebe villages is between pastoralists against farmers. This happened when pastoralists graze their cattle in farmer's farms instead of grazing in the grazing area or in forests. This situation leads to complaints, destruction of crops and livestock, burning of houses and fighting where women and children are most killed. Because of lack of peace in the villages, the villagers cannot engage themselves in agriculture and grazing hence decrease in income and hunger becomes the outcome of the conflicts.

The results of the present study agree with Norman (2013) who reported types of land use conflicts are pastoralists against farmers in Hai district, Tanzania. The pastoralists entered their cattle in farms which belong to Hai district farmers. These pastoralists were from Arusha as a result there was a serious conflict between the farmers of Hai district and the pastoralists who invaded the land of Hai district farmers.

5.4.2 Family against family

The study found that the conflicts between family and family is the second land use conflicts in Mkoka and Songambebe villages. Some of the families may have big piece of land inherited from their parents or guardians. The conflict starts when one member of the family wants to dispose a piece of land without agreement with other family members. Also the conflict can be a result of mortgaging a piece of land by member of the family without permission from other members of the family. All these situations bring conflicts and fighting among family members.

These findings of the present study shows that, land has been and still a valuable object that the villagers of Mkoka and Songambebe villages depends upon whereby it is used for cultivation, pasture, as a source of money by hiring and selling.

5.5 Awareness of organizations/institution dealing with solving land use conflicts

In this study it was found that 94.4% of respondents in Mkoka and Songambebe villages were aware about the existing organizations dealing with solving land conflicts while 5.6 % were not aware of the existing of such organization for solving land use conflicts. The organizations which existed are: Village Land Committee, Land Tribunal, District Council, Arbitration Council, High Court-Land Division and the Court of Appeal

as shown in Figure 5.1. The existence of these organizations villagers have used them effectively by sending their cases of land and the organizations have solved the cases resulting to decrease of land use conflicts in the villages. The procedure of solving land use conflicts in Mkoka and Songambebe villages agrees with the Land Dispute ACT NO 2 of 2002 of Tanzania.

5.6 Satisfaction of decision made by organization

The present study found that 57% of respondents in Mkoka and Songambebe villages are not satisfied with the decisions made by the village land committee and land tribunal on their land use cases conflicts. Dissatisfactions on the judgment from village land committee on land use conflicts in Mkoka and Songambebe villages was due to corruption of the land committee and land tribunal members. But 43% of the respondents said they were satisfied with decisions made by the organizations. Therefore, this unfair decision made by the organizations has resulted into increased land use conflicts in the area.

Also there is favoritism in the judgment done by the village land committee those peoples who are good economically are the ones who win the land cases while the poor lose their rights. This has resulted into increased land use conflicts in the area.

In this study it was found that 21% of respondents reported delay in dispute solving, 18.5% of respondents reported that it was very expensive for them to follow up the cases.

To solve these problems the Government of Tanzania observed the problem of how land use conflicts are handled by the different organizations from low level to higher level. The Government formulated the Land Dispute ACT NO 2 of 2002 to deal with decisions which have been made and if one party is not satisfied. Therefore appeal to the next level is allowed. This is what Mkoka and Songambebe villages are doing.

5.7 Procedures used in resolving the conflicts

According to the discussion with village land committee and land tribunal committee, the procedure used by committee to solve land use conflicts started from the Village Land Committee up to the Court of Appeal as shown in Figure 5.1.

Village Land Committee is responsible to resolve cases connected to land use conflicts. When a person has problem of land conflict the person send the matter to the village

office and then village office send the matter to the village land committee when there is no solution the village land committee forwards the case to land tribunal. The village land committee solves conflict which do not exceed the value of Tsh 3,000,000.00 above that they forward to the next level.

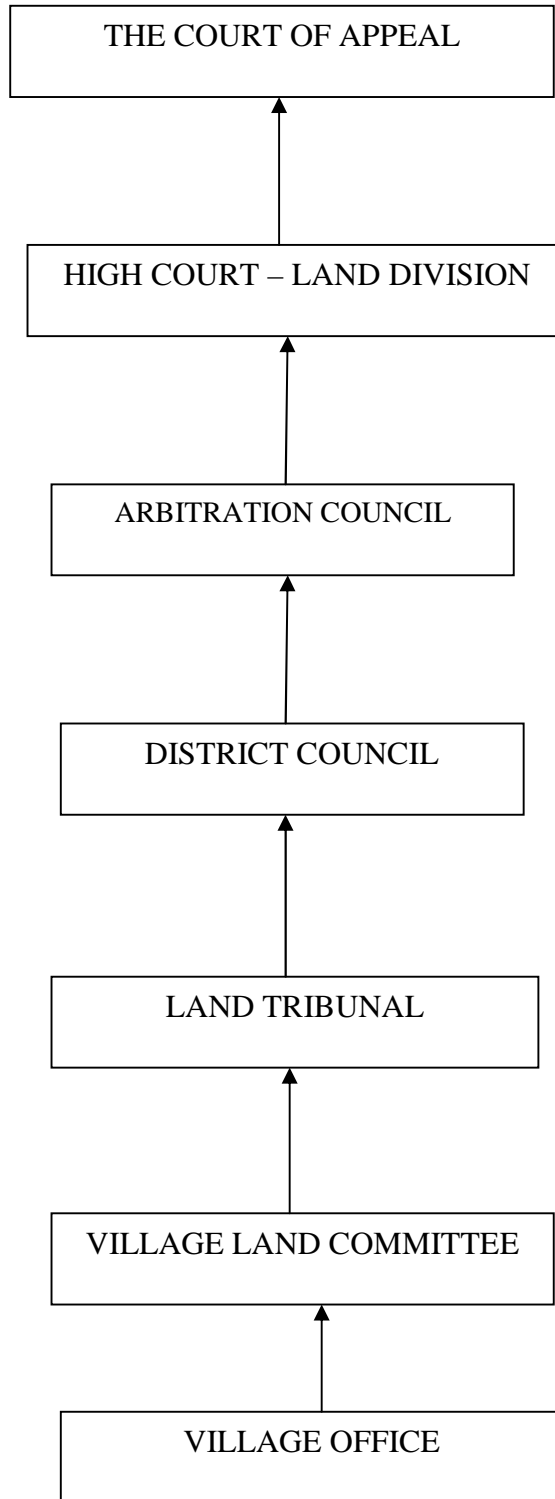
District council is one of the Institutes which is used in solving land matters that failed to be solved by village land committee and land tribunal. Also the District Council use to solve appeal cases from the village land committee and land tribunal.

Also the study found that there is high court (land division) which is used by village land committee in solving land use conflicts.

According to the chairman of land tribunal this land division deals with those matters which failed to get solution by arbitration council.

The present study observed that the village land committee of Mkoka and Songambebe villages are following the land Dispute Act No 2 of 2002 which was established by the Government of Tanzania in solving land conflicts.

Figure 5.1 Hierarchy of solving land use conflicts



CHAPTER SIX

SUMMARY, CONCLUSION AND RECOMMENDATION

6.0 Introductions

This chapter present the summary conclusion and recommendation in relation to findings as per objectives of the study.

6.1 Summary

The study aimed to assess land use conflicts in Tanzania a case of Kongwa district. In this study Songambere and Mkoka villages were involved in the study. The study was meant to answer the general research question which was to assess land use conflicts in Tanzania.

This study specifically had three specific research objectives which were set to achieve the objective of the study. The first objectives were to assess the causes of land use conflicts. The second objective was to identify types of land conflicts in selected villages. The last objective was to identify the effects of land use conflicts in the study area. This study used cross sectional research design to achieve research objective. More over a sample size of 105 respondents was used in the study including 15 key informants' members of village land committees, member of land tribunal who were purposely chosen while 90 respondents were systematically chosen. Both qualitative and quantitative data were collected where by various methods of data collection were used namely questionnaires, interview, documentary review as well as observation. In addition quantitative data were analyzed and presented in a form of charts, percentages and tables

The findings from this study revealed that the causes of land use conflicts were pastoralist graze their cattle in farms, removing of boundaries, no proper demarcations. Types of land use conflicts were pastoralist and farmers, family and villages however the effects associated with land use conflicts include shortage of food to villages, killings, and loss of peace among the villages

6.2 Conclusion

This study was conducted in Kongwa District, Dodoma region. The land use conflicts were studied in Songambebe and Mkoka villages. The villagers are involved much on agriculture, pastoral and business.

The cause of land use conflicts was identified. In this study the findings indicated that causes of land use conflicts were pastoralists grazing cattle in the farms of farmers. The findings showed that 23.3% of respondents mentioned that pastoralist graze their cattle in the farms of villagers.

The second specific objectives were to identify the types of land use conflicts existing in the study area. The findings showed that 93.3% of respondents responded conflicts were between pastoralist and farmers followed by villagers and family 1.1% and 2.2% of respondents mentioned that conflicts were between family to family

The third specific objective was to identify the effect of land use The findings showed that 19.5% of respondents indicated lack of food was the main effect of land use conflicts in Mkoka and Songambebe villages, 17.3% responded that killing of one another. Most of the villagers lost their life due to conflicts followed by crop and livestock destruction (12.8%), poor relationship 15% and 3.3% decrease of income.

6.3 Recommendations

The result obtained in this study show that there are some problems on land use in the study areas Mkoka and Songambebe villages. It is therefore recommended that.

- (i) The Government should raise awareness on land use policy to the villagers through provision of seminars, workshops and of leaflets on land use policy and the rights of people on land use.
- (ii) The Government should put clear and permanent boundaries in surveyed land in the villages.
- (iii) The anti corruption institution should make frequent follow up of the village land committee and land tribunal on their judgements regarding land use conflicts.
- (iv) The Government should allocate areas for farm activities and for grazing this will enable to reduce land use conflicts.

(v) It is recommended that other related studies at regional and national level should be conducted in order to solve the existing land use conflicts.

6.4 Area for further research

This study is not representative of the whole country. Any area of Tanzania could be studied and produce the same or contradictory results, it is recommended therefore that for more reliable generalization of findings similar study can be carried on large scale involving a large sample of community. Such approach will give more representative results.

It is recommended that further research should be carried out on participation of community in land management.

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APPENDICES

APPENDIX 1. QUESTIONNAIRE TO THE HEAD OF HOUSE HOLD

- 1) Sex

 - (I) Male
 - (ii)Female

- 2) Marital status

 - (i)Married
 - (ii)Separated
 - (iii)Single
 - (iv)Widow

- 3) How old are you.

 - 18-----25 years
 - 26-----35 years
 - 36-----45 years
 - 46-----55 years
 - 56-----65 years
 - 66----- Above

- 3 Occupation
- 4 Level of education

 - (i)Primary Scholl
 - (ii) Secondary school
 - (iii) Diploma
 - (iv)Degree/Masters
 - (V) PHD

- 5 Have you heard any land use conflict in your village?

 - a) Yes
 - b) No

- 6 If yes what are the causes of land use conflict in your village

 - (i).....
 - (ii).....

(iii).....

(iv).....

(v).....

7 What kind of land use conflict in the village

(i).....

(ii).....

(ii).....

(iv).....

(v).....

8 How many land conflicts occurring?

9 Is there any organization which dealing with solving land conflicts?

Yes

No

If yes can you mention them?

10 What are the procedures used in solving land conflicts?

11 Are you satisfied with decision made?

Yes

No

12 If no give a reasons

APPENDIX 2. QUESTIONNAIRE TO THE VILLAGE /LAND COMMITTE

1. Sex
 - (i)Male
 - (i)Female
2. Marital status
 - (I)Married
 - (ii)Separated
 - (III)Single
 - (IV)Widow
3. How old are you?
 - 18-----25 years
 - 26-----35 years
 - 36-----45 years
 - 46-----55 years
 - 56-----65 years
 - 66----- Above
4. Level of education
 - (I)Primary Scholl
 - (II)Secondary school
 - (III)Diploma
 - (IV)Degree/Masters
 - (V)PHD
5. Occupation
6. Who elected you?.....
7. When did you come into power?
8. Since you are in power how many land use conflicts have experienced?
9. What are the causes of land use conflicts in your villages?
 - (i).....
 - (ii).....
 - (iii).....

(iv).....

10. What kind of land use conflicts in your village?

(i).....

(ii).....

(iii).....

(iv).....

11. What are the procedures of resolving the conflicts?

12. Is there any cases referred to high level?

Yes

No

13. If yes why?

14. What are the status of that cases which referred to the high level?

15. How many conflicts have been solved?

16. How many land conflicts occurring between the year 2009-2014.

APPENDIX 3. QUESTIONNAIRE FOR THE MEMBERS OF LAND TRIBUNALS

1. Sex
 - (i) Male
 - (ii)Female
2. Marital status
 - (I)Married
 - (ii)Separated
 - (III)Single
 - (IV)Widow
3. How old are you?
 - 18-----25 years
 - 26-----35 years
 - 36-----45 years
 - 46-----55 years
 - 56-----65 years
 - 66----- Above
4. Level of education
 - (i)Primary Scholl
 - (ii)Secondary school
 - (iii)Diploma
 - (iv) Degree/Masters
 - (v)PHD
5. Occupation
6. Who elected you?.....
7. When did you come into power?
8. Since you are in power how many land use conflicts have experienced?
9. What are the causes of land use conflicts in your villages?
 - (I).....
 - (ii).....
 - (iii).....
 - (iv).....

10. What kind of land use conflicts in your village?

(i).....

(ii).....

(iii).....

(iv).....

11. What are the procedures of resolving the conflicts?

12. Is there any cases referred to high level?

Yes

No

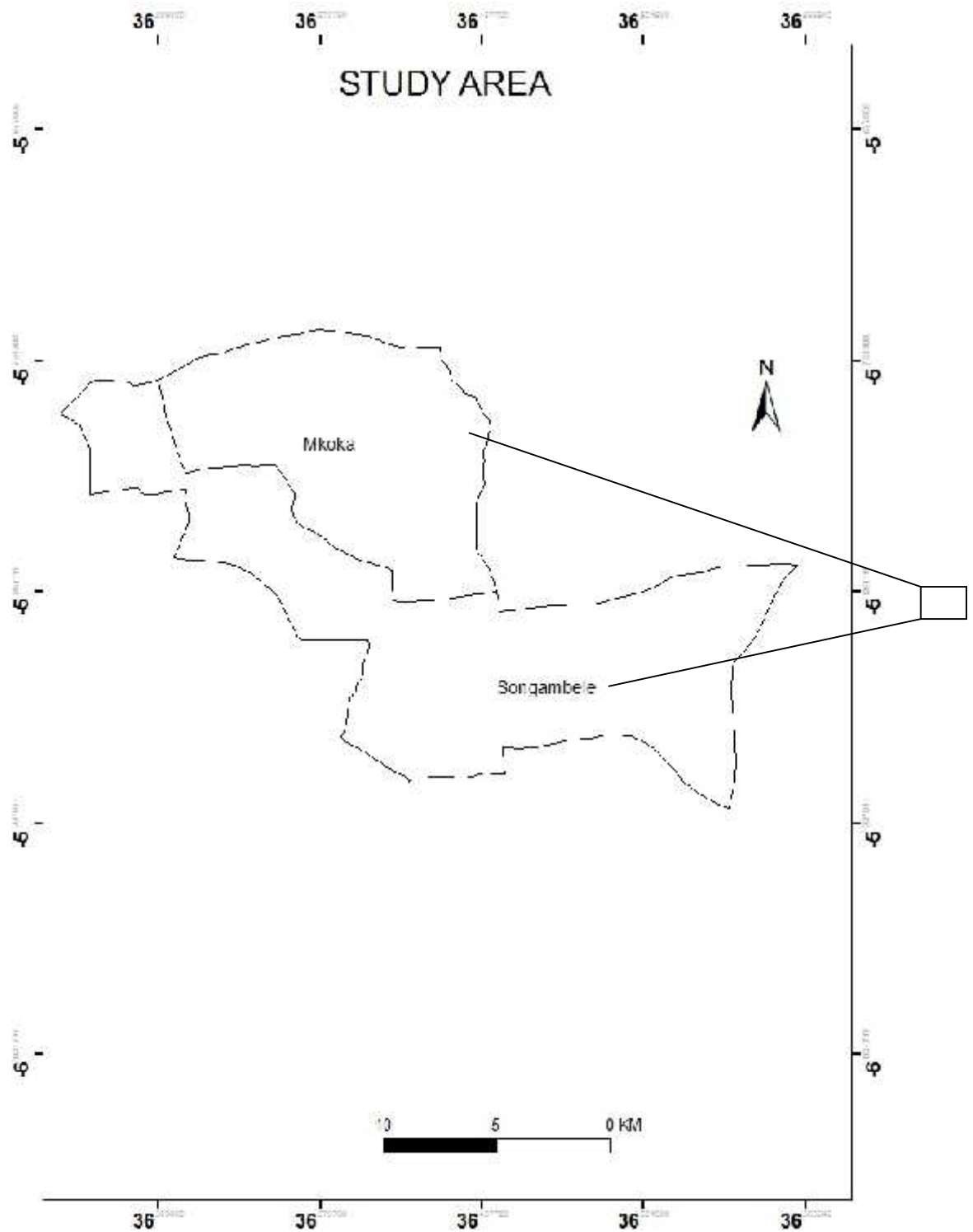
13. If yes why?

14. What are the status of that cases which referred to the high level

15. How many conflicts have been solved?

16. How many land conflicts occurring between the year 2009-2014.

APPENDIX 4. Map of Dodoma region showing Songambele and Mkoka villages in Kongwa district



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DODOMA

