

Article

Land Conflict Management through the Implementation of the National Land Policy in Tanzania: Evidence from Kigoma Region

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Abstract: The land policy in Tanzania, which has been implemented since 1995, aims to resolve land-use problems. This study explored the implementation of land policy in rural Tanzania. A cross-sectional multiple data collection technique was performed during the period July–November, 2017 to examine whether the policy has addressed land issues, including land conflicts. The findings indicate a significant association between immigrants and land conflicts, thus implying an insecure land tenure. The results also show that the realization of land policy was hampered by insufficient budgetary allocation and too few land staff to spearhead the land policy and legislation requirements. In view of these findings, this article suggests that the government must mobilize the resources required for registering communal land and simultaneously reinforce the use of social institutions, cultural norms, and adjoining landowners in securing land rights. This decision will encourage the majority of rural landowners (peasants and herdsmen) to invest in their land for higher and sustainable production.

Keywords: land conflicts; land tenure; policy assessment; sustainability; tanzania

1. Introduction

Land is an essential natural resource for human activities and for the maintenance of all terrestrial ecosystems [1–3]. Studies have revealed that the availability of land as a resource is declining [4,5]. Similarly, in Tanzania, increased demands or population pressure on the land has resulted in the reduction of crop production, degradation of land quality and quantity, shifting cultivation, and increased competition for land, thereby inducing various land conflicts [6–8]. Responding to these challenges, the United Republic of Tanzania (URT) proposed the National Land Policy in 1995 to address various land issues, including land conflicts [9].

In the 1990s, Tanzania underwent considerable tenure reforms in various fields, including economic growth, poverty eradication, and environmental sustainability [9]. The changes stressed poverty alleviation and land access for persons with a disability, respectively [10]. Also, the land policy in Tanzania designated land for investment and aimed to reduce land grabbing and speculation [11]. The changes in land use, an increase in wildlife and human conflict, the land competition in and around major urban centers, the demand for large areas of land for investment, and the development of land markets, influenced the formulation of the land policy [9]. Moreover, the mandatory villagization program implemented in the 1970s affected customary land tenures in numerous rural areas [12]. To overcome these challenges, the Government of Tanzania formed a Presidential Commission of Inquiry into Land Matters in 1991 which proposed the National Land Policy in 1995 [9]. The policy objectives include the following: promote equitable distribution of and access to land for all citizens;

encourage and promote customary rights of smallholders (peasants and herdsmen); ensure the most productive use of land for fostering economic growth; modify and streamline the available land management systems; modernize institutional arrangements in land administration and land dispute adjudication; improve prudent land information management; and protect land resources from degradation to encourage sustainable development [9,13].

The National Land Policy and corresponding laws categorize the land in Tanzania as general, reserved, and village land [13,14]. All land that is not categorized as reserved or village land, as well as uninhabited or unused village land, is defined as general land [15]. Reserved land includes hazardous land and all land designated for forest reserves, national parks, game reserves, conservation areas, public utilities, and highways. Village land is the land that is demarcated as village land under any law or administrative procedures [16]. Generally, land in Tanzania can be acquired through the following methods: purchasing, government allocation, inheritance, and grabbing. The latter is rarely practiced [9]. The Land Act, which was initially one act but later divided into two, complicated the process of defining land tenure [9]. However, this act recognizes two categories of land tenures: customary and statutory tenures. Customary tenure follows the systems implemented in the majority of rural African communities for order ownership, possession, and access, and for regulating land use and transfer [10]. Under this category, the government can issue the 'Customary Right of Occupancy' (CCRO) certificate to the landowner, who can be an individual, a family, or a clan head [15]. By contrast, statutory land tenure is primarily employed for the general land. By using the legislative land tenure, the certificate of the granted right of occupancy is issued to the landowner [17].

Land titling is one of the objectives of the National Land Policy in Tanzania; however, this approach has numerous challenges. Although the Land Act and Village Land Act recognize customary tenure and empower village governments to manage the village land, various villagers and communities are subjected to the insecurity of customary land [18]. For example, with the lack of surveyed or registered communal land designated to pastoralists and hunters-gatherers, the herders use reserved land, which is under strict protection, or they use community land, thereby causing regular land conflicts [19,20]. The titling of community land can prevent land conflicts and deforestation [21]. However, because of weak incentives, land registration in Tanzania has been slow [11]. For example, in 2017, only 21,743 land titles were registered under the title deed [22].

Furthermore, to avoid land disputes and ensure land is used for suitable purposes, such as farming and animal keeping, land-use planning was included in the National Land Policy [16]. In villages, land-use planning allows villagers to ensure optimal land use. It involves a systematic assessment of land resources based on physical, ecological, and socio-economic aspects and the establishment of a framework for preventing land-use conflicts [23,24]. Moreover, this approach allows the planning and management of the land for community facilities, such as schools, markets, roads, cemeteries, dispensaries, and playgrounds. For a village, a final land-use plan with bylaws that do not contradict the national law is presented to the District Council for endorsement [23]. However, this policy has not been implemented in the majority of rural areas in Tanzania [11]. By 2017, only approximately 1625 (13%) of 12,500 villages had developed land-use plans, and nearly 40,000 people had acquired individual title documents [25].

Numerous studies conducted in Tanzania examined factors contributing to the occurrence of farmer-herd conflicts, pointing to policy deficiencies and contradictions, corruption practices, insecurity of land tenure, inadequate capacity in village land use planning, and lack of land information as major contributing factors [8,26]. By contrast, Wily [27] and Shayo [28] analyze land conflicts concerning land reforms and the extent to which pastoralists and peasants are involved in the decision making for land-related issues. Moreover, different government programs and strategies meant to address land conflicts have been examined [16,29]. However, there is a paucity of studies investigating land conflicts concerning the immigrations caused by vulnerable populations fleeing social and political conflicts. Kigoma region is unique in that it is periodically impacted by refugees from neighbouring countries, particularly Burundi and the Democratic Republic of Congo [22,30].

This paper discusses the implementation of the National Land Policy in the rural areas primarily affected by immigration in western Tanzania, focusing on factors associated with land conflicts. The study used a combination of the anticipated land policy impacts, objectives, and outcomes to evaluate the policy's implementation in terms of addressing disputes, land use planning, and degradation. Planners, administrators, land management officers and humanitarian agency workers will find the article informative regarding land use management and policymaking processes.

This article is divided into six sections. Apart from the introduction, the remaining article is structured in five parts as follows: the evolution and elements of the National Land Policy implementation in Tanzania; the materials and methods section, which presents a brief explanation of the methodology used to conduct the study, the study results, discussion of the findings, and conclusions.

2. Evolution and Elements of the National Land Policy Implementation in Tanzania

The implementation of the National Land Policy proposed in 1995 started with the development of laws [9]. An action plan was then proposed for implementing these laws. Statute regulations were proposed, and the laws were publicized. Furthermore, a program was developed for managing land resources. This program comprised three significant components: (i) land tenure security enhancement, (ii) land market reform, and (iii) land information management. Moreover, the implementation involved the modernization of infrastructure, and the land information system (LIS) focused on the modernization of the Survey and Mapping Division and the Registrar of Titles Project in Land Administration [31].

Some strategies for land policy implementation have been successful at a pilot level but not on a large scale [11]. In 2002, some intra-ministerial projects, such as the Property and Business Formalization Program, were initiated as a part of the National Land Policy [32]. The program aimed to empower the economically backward majority in Tanzania by increasing their access to formal financial markets and other services through the formalization of their property rights and businesses. This program anticipated that landowners in rural areas would use their formalized land as collateral to acquire loans from banks and thereby start business ventures using the loan money to improve their livelihood [32]. However, the program failed because of its dependence on external donors, particularly the Norwegian government, which funded the first two stages. In early 2008, the funding stopped, following a critical evaluation and criticism over the program [33].

Similar to the National Land Policy [13], the Land Disputes Settlement Act was enacted in 2002 to establish a distinct mechanism for settling land disputes [34]. For land disputes, the Ward is the lowest tribunal, followed by the District Land and Housing Tribunal and the High Court Land Division, whereas the Court of Appeal is the highest tribunal. However, a recent assessment revealed the inadequate success of this mechanism caused by a lack of human resources and other facilities [34]. In 2017, 21,183 new disputes were filed at District Land and Housing Tribunals, resulting in a total of 45,375 disputes. Among these disputes, 21,561 disputes were resolved in 2018, whereas 23,814 remained ongoing [22].

3. Materials and Methods

3.1. Study Area

Kigoma Region is located in western Tanzania between 3.6° and 6.5° S latitude and between 29.5° and 31.5° E longitude along the shores of Lake Tanganyika. The region has an area of 45,066 km², with 8028 km² covered with water [35]. The region comprises six districts: Kigoma Rural, Kasulu, Kibondo, Kakonko, Buhigwe, and Uvinza (Figure 1). The majority (75%) of the land users in the region include smallholder and livestock farmers [36]. During the population and housing census in 2012, the population of Kigoma Region was 2,127,930 [37], which increased to 2,528,708 in 2017 [22]. In 2017, the region registered 358,520 new arrivals, with 315,073 refugees and 43,447 asylum seekers from the Democratic Republic of Congo and Burundi [22]. Therefore, the current influx of refugees from the

neighboring countries, and of that in the early 1990s, has increased population growth and induced enormous pressure on the available village land and the forest reserve [22,30,38].

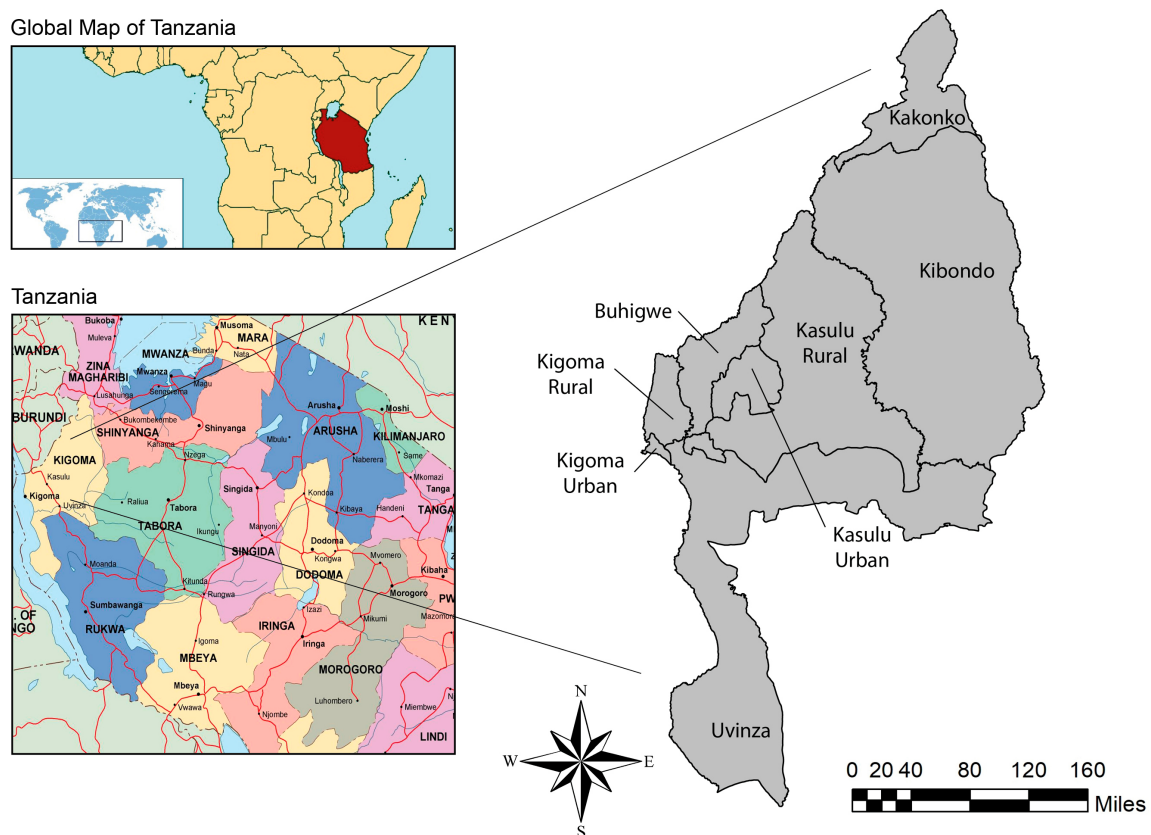


Figure 1. Map of the study area. Source: <http://www.maphill.com/tanzania/kigoma/>.

3.2. Sampling Procedures and Data Collection

A cross-sectional study, using multiple data collection techniques, was conducted from July to November 2017. The process included a household survey conducted by the first author and two research assistants, interviewing 750 household heads from four districts of Kigoma Region, namely Kigoma Rural, Kasulu, Buhigwe, and Uvinza (one respondent per family), and reviewed the secondary data.

Researchers used Yamane formula for a finite population to determine the household sample size. The estimated number of households was 211,057, with 95% precession, whereas the sample size for household interviews was 399. However, considering the cluster sampling design effect, the researchers doubled the sample size from 399 to 789. During fieldwork, we reached 94% (750/789) of the anticipated household sample size. Table 1 shows the total study area population, the number of households, expected sample size, and the actual sample attained by the district after the survey. To select family heads for interviews, the researchers used the stratification technique. Four of the six districts, two wards from each chosen district, and two villages from the corresponding wards were randomly selected. For each village, the authors used a clustering technique to select households to be interviewed. The first author and two research assistants used a structured questionnaire to interview the heads of the household.

Regarding the secondary data from the local administrative and village land use plan reports, the first author used the Excel worksheet to extract the data from the routine and annual reports. The data included the land officer's qualification, department, and district. The authors also added to

the data the number of villages with land-use plans, compared to the total number of communities in the region.

Table 1. Distribution of household survey samples in Kigoma Region.

Districts	District Population	Households (HH)	Proportion to Size	Expected Sample Size of HH	Actual Sample Size
Buhigwe District	245,342	40,890	19%	145	160
Kigoma Rural District	211,566	35,261	17%	125	192
Kasulu District	425,794	70,966	34%	252	215
Uvinza District	383,640	63,940	30%	227	183
Total	1,266,342	211,057	100%	749	750

Source: Field survey data, 2017.

3.3. Data Analysis

The data collected were coded, checked and edited, and entered into Microsoft 10 v 14.0 Excel software (Redmond, Washington, US) and exported to STATA v 14.2 (STATA Corp. 2015 Texas USA) for analysis. The data were descriptively presented in the tables of frequency. To test for associations, we used Adjusted Odds Ratio (AOR) to compare, for example, the prevalence of the variables between sex and the possession of land titles. Any p -value of <0.05 at 95% confidence interval (CI) was considered statistically significant.

4. Results

4.1. Socio-Demographic Characteristics of Respondents

In total, we interviewed 750 households, with 62.3% male and 37.7% female respondents from the four districts of Kigoma Region. The majority of the respondents (54.9%) were aged between 31 and 50 years, and 28.9% and 16.1% were in the 20 to 30 and older than 50 years range, respectively. Moreover, 16.4% of the participants had not received formal schooling, whereas 53.2%, 26.5%, and 3.9% had, respectively, completed a primary school education, attended secondary school, and received a college education.

4.2. Gender, Land Titling, and Participation in Land Issues

The authors analyzed males and females participating in land management issues, such as holding titles, owning a surveyed land, engaging in land-use planning, and performing socio-economic activities (Table 2). More males, 73 (80.2%) compared with only 18 (19.8%) females, were likely to own land titles ($OR = 0.578$, 95% $CI = 0.363–0.921$, $p = 0.0139$). Also, more males, 149 (56%), were involved in land-use planning than females, 118 (44%), ($OR = 0.655$, 95% $CI = 0.655–0.901$, $p = 0.0066$). Statistically, there were no significant differences between males and females in owning surveyed lands, participating in land issues, and performing socio-economic activities.

The study revealed a critical shortage of human resources for managing land use and enforcing land-use legislation. Relative to the population and number of villages, fewer staff members are allocated to the region. The findings revealed that various disciplines have only 37% (18/49) of the required number of land management officers, with individual proportions for all designations ranging from 0% to 50% (Table 3). Moreover, 13.3% (41/308) of the villages had developed land-use plans, with proportions for individual villages ranging from 0% to 40% (Table 4). These observations imply a critical deficiency in the budget for village land management activities.

Table 2. Association between gender and participation in land issues, possession of land titles, owning surveyed land, and socio-economic activities in rural areas.

	Male <i>n</i> (%)	Female <i>n</i> (%)	Total <i>n</i> (%)	Odds Ratio	<i>p</i> -Value	95% CI
Possessing land titles						
Yes	73 (80.2)	18 (19.8)	91 (100)	0.578	0.0139	0.363–0.921
No	421 (64)	238 (36)	659 (100)			
Owning surveyed land						
Yes	172 (53)	153 (47)	325 (100)	0.495	0.0681	0.363–0.676
No	295 (69)	130 (31)	425 (100)			
Engaging in land-use planning						
Yes	149 (56)	118 (44)	267 (100)	0.655	0.0066	0.655–0.901
No	318 (66)	165 (34)	483 (100)			
Participating in land issues						
Every time	187 (61)	121 (39)	308 (100)	0.894	0.4641	0.656–1.220
Few times	280 (63)	162 (37)	442 (100)			
Performing socio-economic activities						
Farming	264 (63)	155 (37)	419 (100)	0.936	0.7111	0.649–1.346
Herding	131 (64.5)	72 (35.5)	203 (100)			

Source: Field survey data, 2017.

Table 3. Designations for land management officers in Kigoma Region, 2017.

Designation	Number of Officials Required	Number of Officials Present <i>n</i> (%)
Physical planner	10	4 (40)
Land officer	10	5 (50)
Land assistant	10	0 (0)
Valuation officer	9	5 (50)
Land surveyor	10	4 (40)
Total	49	18 (37)

Source: Regional Secretariat of Kigoma.

Table 4. The status of land-use planning in villages in Kigoma Region, 2017.

Districts	Number of Villages	Villages with Land-Use Plans	Villages without Land-Use Plans
Kigoma Rural District	46	11 (24)	35 (76)
Kasulu District	62	1 (0)	61 (100)
Uvinza District	61	25 (40)	36 (60)
Kibondo District	50	0 (0)	50 (100)
Kakonko District	44	0 (0)	44 (100)
Buhigwe District	45	4 (9)	41 (91)
Total	308	41 (13)	267 (87)

Source: Regional Secretariat of Kigoma.

4.3. Frequency and Factors Associated with Land Conflicts in Rural Areas

The majority of the respondents underscored that inter-community conflicts are most prevalent (e.g., among farmers, pastoralists, and refugees), followed by conflicts between communities and state, between individuals owning lands, and between communities and investors (Table 5).

Table 5. Respondents' perspective on the frequency of land conflicts in the area.

Statements	Most Frequent	Frequent	Non-Frequent	Neutral	No Response
Conflicts between individuals owning lands	16.1%	16.3%	63.8%	3.1%	0.7%
Conflicts between communities and investors	7.2%	12.8%	77.9%	1.6%	0.5%
Conflicts between communities and state	29.5%	31.1%	36.2%	2.9%	0.3%
Conflicts between communities	25.6%	42.1%	28.3%	2.9%	1.1%

Source: Field survey data, 2017.

Contrary to our expectation, the land-related conflicts were observed among households with land titles (71.4%) as well as in areas with land-use plans (65.2%). More land-related conflicts were reported in areas with immigrants (75.5%) than in those without immigrants (28.5%). Immigration, in this context, refers to herdsmen immigration, farmer immigration, and the refugees. Furthermore, approximately two times more immigrants were associated with conflicts than other respondents (Adjusted Odds Ratio = 1.963, 95% CI = 1.441–2.673, $p = 0.000$) (Table 6).

Table 6. Factors associated with land conflicts in the area.

Factors	Experienced Conflict Yes, <i>n</i> (%)	Experienced Conflict No, <i>n</i> (%)	Total	AOR	<i>p</i> -Value	95% CI
Possessing land title	65 (71.4)	26 (28.6)	91 (100)	1.384	0.233	0.811–2.36
Owning surveyed land	212 (65.2)	113 (34.8)	325 (100)	0.896	0.535	0.633–1.269
Availability of land-use plans	186 (69.7)	81 (30.3)	267 (100)	1.419	0.043	1.01–1.993
Presence of immigrants	294 (71.5)	117 (28.5)	411 (100)	1.963	0.000	1.441–2.673
Shifting cultivation	458 (65.1)	245 (34.9)	703 (100)	1.378	0.308	0.744–2.554
Purchased land	319 (65)	172 (35)	491 (100)	0.864	0.793	0.289–2.577
Government-allocated land	66 (63)	39 (37)	105 (100)	0.825	0.742	0.262–2.599
Inherited land	87 (63.5)	50 (36.5)	137 (100)	0.757	0.629	0.244–2.347

Source: Field survey data, 2017.

Although other factors, such as possessing land titles, owning surveyed land, shifting cultivation and the nature of land acquisition (i.e., purchasing, government allocation, and inheritance) were associated with land conflicts, when compared with areas free from such factors, the difference was not statistically significant. Areas with land-use plans were associated with more conflicts than those without land-use plans (AOR = 1.419, 95% CI = 1.01–1.993, $p = 0.043$).

5. Discussion

The findings suggested that although Tanzania has implemented the National Land Policy for more than two decades, the occurrence of land conflicts continues. Most reported conflicts include inter-community conflicts and conflicts between communities and state, between individuals owning lands, and between communities and investors. Conflicts between communities and state occur where fair compensation is not offered for an expropriated land, and there are unclear boundaries between reserved land and village land. Also, the study reported an association between immigrants in villages and land conflicts, which is consistent with other studies [8,16]. The immigrants in this context, however, include herdsmen, farmers, and refugees. Tanzania is home to numerous refugees from the neighboring countries Burundi and the Democratic Republic of Congo (DRC) [30,39,40]. Similar to other countries [41–43], refugees in Tanzania increase the pressure on land and land conflicts, and environmental mismanagement occurs [44,45].

Moreover, although the legal framework promotes women's rights, many patriarchal societies, such as in Tanzania, still report a gender-based variation in land title possession [18,44,46,47]. As anticipated, this study demonstrated a significant difference in land title possession between the male and female populations, which is consistent with other studies [10,15]. Furthermore, the research showed that more male respondents were engaged in land-use planning than their female counterparts. However, neither title possession nor land-use plans resolved land conflicts. The study revealed that the majority of the households in the rural areas do not have legal rights, such as title deeds, right of occupancy, or customary right of occupancy, and thus, most of them experience land insecurity, which accelerates regular land conflicts.

The government of Tanzania proposed the Land Policy, including the subsequent acts and guidelines, with good intentions. However, the policy did not successfully address land conflicts in rural areas, particularly, in this study's context, where a major stated policy objective is to protect Tanzanian citizens. The land policy lacked suitable implementation because of the limited resources for land management activities, including land demarcation, surveying, registration, and new land management information systems. The policy, to a greater extent, ignored the role of costs, including transaction costs [48,49], in terms of legalizing pieces of land. The policy's implementation is a continuous, non-linear process, and dynamic [50] failure to revisit the original idea has failed the entire application. However, in addition to the development of a consensus, stakeholders' participation, conflict resolution, adjustments, contingency planning, and adaption, it requires resource mobilization [51,52]. Decision-makers and policymakers are tasked with resource mobilization to realize changes. People against the change may attempt to impede access to the necessary resources (e.g., political, financial, managerial, and technical resources), thus delaying the reform process [53]. It has been revealed that the inability by the governments to redistribute resources to new priorities is frequently the cause of program or project shutdowns after donor resources have been exhausted [53]. This phenomenon is observed in Tanzania with a recent assessment indicating the partial failure of land dispute settlement mechanism with the critical shortage of resources and other facilities [34,54]. Therefore, this article proposes that the government must mobilize the necessary resources for successful policy implementation. As emphasized elsewhere [55,56], both traditional and alternative dispute resolution mechanisms can be employed to reduce land conflicts.

The study reports a prevalence of land conflict regardless of whether one owns the land legally or not, or whether the land use plan is in place or not. The findings support the idea by Kimaro [57] that suitable land for agricultural and commercial use is very scarce. How the property is acquired does not significantly contribute to the conflict reduction attributed to significant proportions of the reserved and protected area, and to land grabbing by the government for other investments and mining [54,58,59]. On the other hand, the international instruments ratified by the nation consider the refugees special immigrants due to their protection. Regarding the environmental degradation and migration, some reports show the correlation between ecological conflict with the hosting communities [43].

As a recommendation, the government must continue to decentralize land management activities in rural areas, thereby allowing the local government authorities to supervise, control, and perform the formal registration of legal and technical land information. The mechanism should leverage social capital to address land management and transaction costs [16,49]. The local leaders, such as chiefs and heads, can be involved in the process of decentralization of land management, which is feasible and cost-effective in a limited resource environment [60]. For example, to improve the security of land tenure in rural areas, the government must reinforce the use of social institutions, cultural norms, and adjoining landowners. This approach has been successful in major rural settlements in Africa, Asia, and Latin America [61,62].

6. Conclusions and Further Research

The land policy implementation, in particular in the rural areas in Tanzania, may be compromised in specific contexts of a high number of immigrants, such as the refugee influx as reported by our study. The reported continued land conflicts, even in the areas where the populations have land plans, land titles, or ownership of surveyed lands, is worrying. The land conflicts suggest that the government must contextualize land policies and legal frameworks to meet the population's specific needs. A mixed migration of the refugees, the farmers and the herdsman makes the land management complex. Thus, it requires more complex solutions than the existing policies and laws.

Although the development of the National Land Policy in Tanzania involved extensive policy recommendations, few were promptly considered [63]. The National Land Policy and resultant laws were primarily developed in collaboration with development partners, who funded the implementation process, ignoring the contribution from land users whose input was significant [64], presumably contributing to sluggish policy implementation. However, the government started to redesign the policy in August 2015 by addressing the insecurity of land tenure, rapid macroeconomics, and socio-ecological dynamics. This article underscores the significance of active and comprehensive public consultation for the new policy to implement enhanced land security in the rural areas of Tanzania.

This paper highlights the implementation of the National Land Policy for conflict resolution without considering policy formulation. Further research can address the suitability of the National Land Policy as the sole measure for land conflict management. Such a study can use different theoretical perspectives, such as the ability of Tanzania—a developing country—to design appropriate public policies [65,66]. This approach may reveal the causes of unabated land conflicts in the major rural areas of Tanzania despite the implemented land policy.

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