

Public Awareness on Land Policy as an Instrument to Avoid Land Conflicts in Dodoma Municipality.

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Abstract: *This study was conducted in Dodoma-Makulu Ward in Dodoma Urban District in 2011. The general objective was to assess public awareness on Land Policy to avoid Land conflicts in urban areas of Dodoma Municipality. The survey was done to relatively aged heads of households (n = 110) who have been residing in Dodoma for not less than five years. Age and Length of stay has been a determinant of respondent's ability and need to own land for residential purpose and hence be able to illustrate land policies necessary to avoid land conflicts at future dates Dodoma Municipality. Both qualitative and quantitative methods were employed in data collection. Observation, interview, and documentary review were methods to collect data for the study. Key Informants were obtained from the institutes which are engaged with land administration and governance, such as the Capital Development Authority, the Land Tribunals and various Non-Government Organizations. The findings revealed that while the majority (96 %) of the respondents were able to describe type of land conflicts existing in Dodoma Municipality, 84 % were not able to analyze the land policy. In response showing misconceptions, majority of respondents reported weak institutional capacity (82 %) as ineffectiveness of Land Policy. Unawareness to land policy among public members pose potential risks to land conflicts at future in Dodoma Municipality. The Capital Development Authority, Land related institutes and the respective Ministry should make sure that they use various avenues and methods to impart the knowledge on land policy and related instruments to the general public in order to evade land conflicts in Dodoma Municipality.*

Key Words: Land Policy, Land Conflicts

INTRODUCTION

In many African countries, violent conflicts are directly related to the competition for access and the use of land and natural resources. Land use

conflicts occurs when there are conflicting views on land use policies, such as when an increasing population creates competitive demands for the use of the land, causing a negative impact on other land uses nearby (Kim, 2012). Brazilian Ministry of Agrarian Development, (2001) classifies land conflicts to be those between single parties and those engaging several parties. While conflicts engaging single parties such as boundary conflicts between neighbors, conflicts over the use of a given piece of land and acquisition of land for public interest are easy to solve, conflicts to engage several parties, such as group invasions or evictions of entire settlements – are more difficult to deal with. It is of this importance, Land Use Policy has been an international and interdisciplinary instrument concerned with the social, economic, political, legal, physical and planning aspects of urban and rural land use. Land Use Policy aims to provide policy guidance to governments and planners and it is also a valuable teaching resource. (Kim, 2012; Rwechungura, 2009). Attention to land policy and land governance, therefore, needs to be a part of any development or peace building efforts in conflict-affected or conflict-prone environments, as it is increasingly evident that land policy and land management are intimately linked to social stability and conflict management (Deininger, 2006)

Land tenure security and access to land are essential preconditions in reducing rural and urban poverty and ensuring the realization of fundamental human rights (UNDP, 2008; HABITAT 2004). As a result the importance of securing land rights, ensuring the full implementation of existing land laws and the empowerment of local communities to claim the rights to which they are entitled cannot be stressed enough. Possible mechanisms include “training of law enforcers, building legal literacy at community level or assisting communities to pursue their land rights through the judicial system” (UNDP, 2008; HABITAT 2004).

The National Land Policy, and the Land Laws emanating from it, addressed issues of: Land tenure, promotion of equitable distribution of land access to land by all citizens; improvement of land delivery systems; promotion of sound land information management; recognition of rights in unplanned areas; establishment of cost effective mechanisms of land survey and housing for low income families; improvement of efficiency in land management and administration and land disputes resolution, and protection of land resources from degradation for sustainable development (Silayo, 2004).

Particularly, in Tanzania, the 1995 Land Policy highlights the interrelated form of urban governance, leadership and land management. The National Human Settlements Development Policy of 2000 clearly emphasizes the issue of governance and leadership to be considered in planning, development and management of human settlements in urban and rural areas. The legislations that guide land use and tenure also take into account governance and leadership issues. The Land Act 1999, demands that the principle of participation of various actors and ethics of leadership have to be followed in its implementation to ensure progressive land tenure and land use. Furthermore, recent legislation espousing community participation in land use and planning include the Land Use Planning Act 2007 and the Urban Planning Act 2007 (Rwechungura, 2009). In addition to the acts, a few other laws touch on issues of general and village land: the Land Acquisition Act 1967, regulates in which way the state are allowed to acquire private land, including land held by villagers;(the Courts), Land Dispute Settlements Act 2002 gives guidance on land dispute resolution; and the Forest Act 2002 enables villagers to declare their own village forest reserves on land within the village area. On top of these, the Local Government (District Authorities) Act 1982 and the Local Government (Urban Authorities) Act are crucial. With a view to giving effect to fundamental principles of National Land Policy and the Human Settlements Development Policy directs all persons and authorities exercising powers under, applying or interpreting this Act of 2007 through land use planning to assure fairness and consider the socio economic of the engaged communities.

Dodoma land issues are governed and managed by Capital Development Authority (CDA), which was established in 1978, this being uniqueness compared to other regions in Tanzania were Land issues is governed and managed by Municipalities. Despite of the functions and administration of this

organ and operation of the land policy, still there are many incidences of land conflict in municipal. The recent episode of land conflicts have been demolitions of 119 houses at Njedengwa area at Dodoma-Makulu Ward 2011 and Kikuyu West (ITEGA) Ward in 2012 (TLHRR, 2011) (see Plate 1). The communities are claimed have been invading and develop residence in these areas, but not recognized by the Town Land Governing



Plate 1: A house involved in demolition in Njedengwa at Dodoma-Makulu Ward (2011)

Institute, The Capital Development Authority (CDA). It is also a mystery that local communities invaded and establish themselves in the land which has been legally owned by other entities/ people. Such repeating incidences of demolitions have always been the drawback to the socio economic progress of the related communities. The current paper aims at analyzing if after all, the communities are aware that there is a policy which governs the matters related to Land ownership, and that should be followed to reduce risks to demolitions in future dates. The assumption of the proposed study is that low level of community awareness on land policies is key to on-going land conflicts in Dodoma Municipality.

2. METHODOLOGY AND STUDY AREA

The study was conducted in Dodoma Municipality at Dodoma-Makulu Ward. Dodoma Makulu Ward has has a population of 17, 097, whereas 8,219 and 8,878 were males and females respectively (Tanzania General Censor Report, 2012). Dodoma Municipality is found in Dodoma Urban District and is one among the six districts of Dodoma region namely; Mpwapwa, Kongwa, Kondoa, Bahi, Chamwino and Dodoma urban itself. The Municipality has an area of 2769 Sq.km and divided into four (4) divisions and thirty seven wards (37). It is bordered to the north by Chamwino and Bahi districts, to the west by Bahi district and to the east and south by Chamwino

district. As mentioned before, the choice of this area is justified by the frequent increase of the land conflict.

The study population in this study was the heads of family who have stayed for more than five years in Makulu Ward. This study involved random sampling or chance sampling, in which individual units were picked from the whole group by a random sampling. Random sampling ensured that the Law of Statistical Regularity is observed, that is, the assurance that the sample will have the same composition and characteristics as those of the population. Key informants under this study were mainly head of departments in Capital Development Authority (CDA), Dodoma Municipal Land Tribunal Court, Dodoma Municipal Land Officer, Ward Executive Officer and the Village Executive Officer. While the study involved 110 households the total sample size was one hundred and fifteen (117) respondents.

Three data collection methods were used to collect data for the current study. These data collection methods were; Observation Guides, Interview Schedules, and Documentary Review. Questionnaires seeking both qualitative and quantitative information were used as tools for data collection. In order to achieve validity in this research, triangulation of data was employed through the use of observation guides, questionnaires and interviews. The combinations of these instrument and methods contributed in making the data collected more objective, valid and reliable. The qualitative data were organized into themes and concepts and thereafter coded and analyzed. From these processes, theories and generalizations were formulated and differences between different aspects were sorted. On the other hand, some quantitative information was entered in Computer Software and were analyzed. The Statistical Package for Social Scientists (SPSS 16.0) was software used to analyze the information. Both descriptive and quantitative data were organized and presented in the form of tables and figures to show the community awareness on the existence of Land Policy as a management, governance and leadership toll which is important to reduce land disputes in Dodoma Municipality.

Table 1. Demographic characteristics of respondents (n = 110)

Variable	Categories	% Proportion
Period stay in Dodoma Municipality	5 – 9 years	21.8 %
	10 – 15 years	50.9 %

3.0 Results and Discussion

3.1 Demographic Characteristics of the Respondents

Understanding the demographic characteristics of the respondents is potential to determine their potential to be aware to matters on Land policy. Understanding their demographic characteristics can also determine their readiness to face the risks upon developing residence on land which is not legally owned. While 21.8 % of respondents have been in living in the Municipality for the period between 5 and 10 years, 50.9 % of respondents have been living in Dodoma Municipal for the period between 10 to 15 years (see Table 1). The proportion 27.3 % of the respondents who have been staying in Dodoma for more than 15 years represents the old stones in the city which may claim citizenship by virtue of ancestry and are not ready to change even if they become aware of the land policy and management. As reported in the Methodology section, engaging respondents who have lived for not less than five years in the Municipal will ensure awareness of machinery implementing land policies and procedures change over time with Regards to Land management, Governance and Leadership in Dodoma Municipality.

The majority of respondents, 73.6 % of respondents were males. The study also took note that the land or permanent settlement is owned by men (who are obviously heads of households) and few females own land. Findings variation is influenced by social, cultural and economic in order to access land for settlement.

Results presented in Table 1 showed that 69 % of the respondents were married. The findings suggest that married residents are obviously pressed to possess the permanent settlement, as compared to bachelors and immigrants. Marriage is an institution in which interpersonal relationships (usually intimate and sexual) are sanctioned with governmental, social, or religious recognition.

	15 +	27.3%
Gender	Males	73.6 %
	Females	26.4 %
Marital Status	Not married	14.5 %
	Married	69.1 %
	Divorced	3.6 %
	Separated	9.1 %
	Widows	3.6 %
Age	25-29	12.7%
	30-44	27.3 %
	45-59	40.0 %
	60 and above	20 %
Education level	Up to Standard 4	10.9 %
	Standard 4 - 7	28.2 %
	Ordinary Secondary Level	34.6 %
	Advanced Secondary Level	10.9 %
	College	15.5 %

Analysis on age of respondents revealed that the majority were of age between 45 and 59, the group presenting adults. Two groups, being the one with age between 45 – 59 years old and the one aged 60 years and above can be representatives of populations which who bought land parcels without title deed of land ownership and indigenous communities respectively. As no respondent was under the age of 25, the chances to have more reliable data are guaranteed.

Individual achievement in education ought to be a crucial element in determining respondent's knowledge on the Land policy hence abiding to management, governance and leadership in place. The minority, only 31.9 % of respondents did not go beyond primary school education indicated that

the majority should be aware of processed guiding land management, governance and leadership.

3.2. Awareness on Land Management, Governance and Leadership in Dodoma Municipality

3.2.1 Knowledge on types of Land conflict

The majority of respondents (96 %) of respondent declared to know the types of land conflict they are facing. The respondents declared to obtain knowledge on type of land conflict through learning on frequent incidences of land conflict. The study took further step to have deeper insight on communities view on type of land conflicts existing in Dodoma Municipality, and specifically Dodoma-Makulu Ward. As displayed in Figure 1,

25.5 % of public members reported to be aware that the conflict existed between the government through its Authority, The Capital Development Authority and people who resides in the respective settlement. The proportion 20 % admitted that there were crisis between people who resides in the respective settlement and investors. The public claim got support from village administration. The current findings gather historical support from Kombe (2001) who claimed that CDA and Local institution in Dodoma region are in conflict with indigenous, citing cases in 1970 where people from

central and other area in Dodoma migrated to Chang’ombe. The Public is well aware of the type of existing land conflicts existing. However, the question in mind is if after all they are aware of which policies are key to evade such conflicts. The current findings agree with Brazilian Ministry of Agrarian Development (2001) and Ratner (2010), who reported that any community knowledge on land conflict depends to the nature of events either positive or negative, thus many people are aware with the land conflicts impacts.

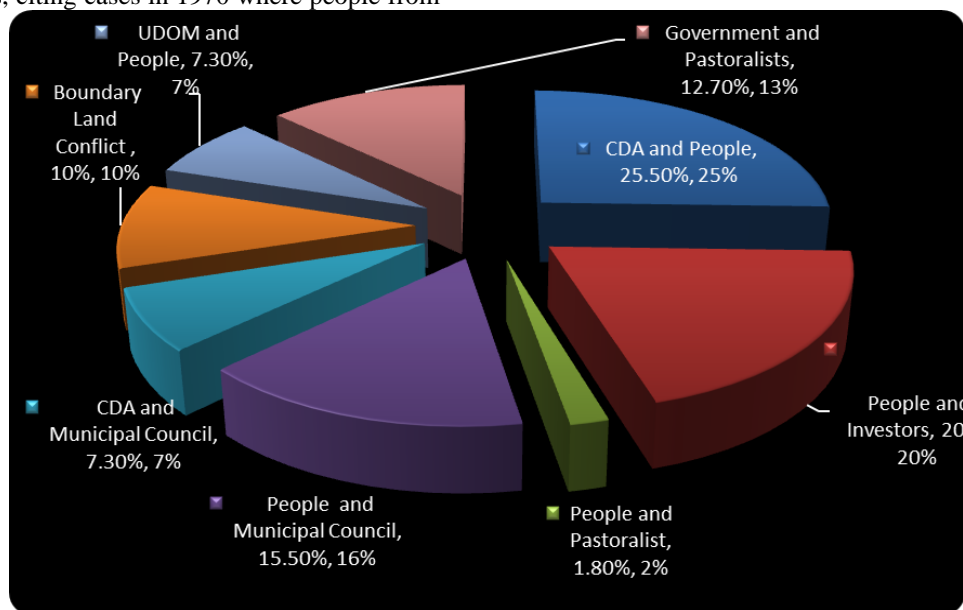


Figure1. Kinds/types of the Land Conflict in Dodoma- Municipality

3.2.2 Public Awareness on Land Policy

The study found out that 82% of all the respondents were not aware or knowledgeable with Land Policy instruments. The reasons behind the government did not provide education; the government does not involve people in making land policy. The majority (80 %) threw the blames to the government / related authorities that have not provide land policy education, did not dispose land policy to people, and have not allow people to participate in making

land policy (see Table 2). The findings concurs with HAKIARDHI (2009) which revealed that an acute and prevalent lack of awareness of the law and procedures, within rural communities and there leadership regarding land this contribute to land conflicts in areas of Tanzania. Ballonzi (2007) in his study found that land owners were not involved in the preplanning and planning of the area although public meetings were called to inform Dar es salaam in Kurasini redevelopment scheme. Not involving the public pauses potential risk

Table 2. Distribution of Respondents of not being Aware/Knowledgeable on Land Policy

Response	Frequency	% Proportion
Government have not provide land policy education	26	30.5
Because the land policy is not open to people	15	9.1
Didn't participated in making land policy	37	40.4
Have no communication media like TV and Radios	17	10.9
Because the land policy does not fulfill the needs of the citizens	15	9.1
Total	110	100

To land conflict, as people could be made aware with the procedure of land policy tools during the project. Such awareness is emphasized by Rwechungura, (2009) arguing that, the Land Act

1999, demands that the principle of participation of various actors and ethics of leadership have to be followed in its implementation to ensure progressive land tenure and land use. Furthermore,

recent legislation espousing community participation in land use and planning include the Land Use Planning Act 2007 and the Urban Planning Act 2007. Previously, Izumi (1999) addressed that designing and implementing land policies without involving community in the country, can cause the emanation of the land conflict between the government / relevant land authorities and public.

However, the problem of unawareness of land policy matters among the public members is not only found in Dodoma Municipality, but rather a national problem. A similarly study done by Kironde (2006) in Improving Land Sector Governance in Africa, and particular in Tanzania reported that an average of only 3 % had knowledge on land policy and land acquisition acts. While numerous studies that have concluded that the public is not involved in the preparation of planning, lack of awareness on land policy is potential to risks of land conflict. Kombe (1999) Kombe (1995) and Kironde (1995), both emphasized the role of the government institution to have capacity of providing education in Land matters from the grass root level, so as the whole public to know land laws procedures .but people lacks awareness about land policy in Tanzania.

3.2.3 Ability of Respondents to Analyze Land Policy Instrument

The research team requested the respondents to admit on details they think are incorporated in the Land Policy (see Figure 2). The study revealed that the majority, (84 %), were not able to analyze the Land Policy and its instruments. The findings imply that many people are not aware of the land policy and its instruments. Moore (2003) argued that although, local people need to take leadership roles in land use in order to make sensitiveness and awareness of land laws, most of the African governments fails to involve primary actors in land laws implementation, contributing to unfamiliarity of land policy tools.

Similarly study done by Kironde (2009) in Land Use Structure of Dare es salaam emphasized the incorporation of local people who are poorly in economic status in designing and implementation of land policy instruments, so as to increase the capacity of understanding of all land laws in the Country. Previously, Kironde (2006) in his study with respect to expropriation of land found that the majority of the affected households had no knowledge of the stipulations of the involved laws.

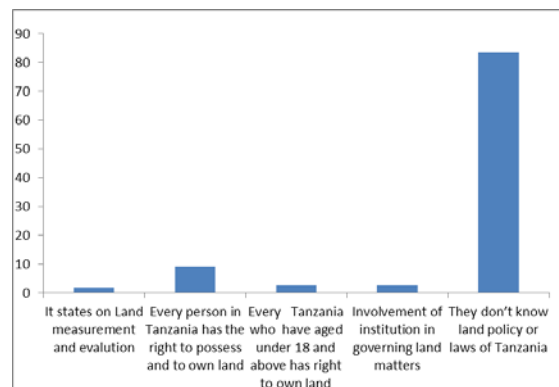


Figure 2: Analysis of Land Policy Instruments that Address Land Conflict

During the data collection exercise, one respondent suggested that Land Policy Education should be provided like what have been done in renewal of Constitution of 1977 to be able to reduce land conflicts. Public unawareness of Land management, governance and leadership is a potential risk to land conflicts in Dodoma Region.

3.2.4 Land Policy and Gender

Also, the study wanted to know the awareness of the respondents about gender consideration in the Land policy and constitution of United Republic of Tanzania of 1977. The proportion 74 % of the respondents declared to understand that both constitution and land laws shows equity and equality in land ownership. The findings, it implied that land policy and constitution of URT is gender sensitive to land ownership. Education on constitution matters provided by the Government and Non-Government Organisation's during the period to review the 1977 has brought light on Land Policy and rights to majority. Under the 1977 Constitution of Tanzania, every person in Tanzania is entitled to own property. Also, a person's right to own property is governed by the provisions of the Land Act (Supra) and the Village Land Act (Supra). Both of these Acts reversed discriminatory customary practices that negatively affected the rights of women to land and these Acts recognized the equal entitlement of men and women to own property. The current findings revealing that majority recognizes gender equality is important to reduce unnecessary conflicts as it differs to some tradition communities in Tanzania.

3.2.5 Public Perception on Advantage of Land Policy in Land Ownership and Right of Occupancy

The study also wanted to know the respondents perception being an advantage of having a Land Policy, as the right to own land or not. As presented

in Table 3, 54% of all respondents perceive that the land policy should provide as a right for everyone to own land. The perception has been right. The perception clocks as the summary in the study done by Silayo (2004) addressing advantages of the National Land Policy, and the Land Laws emanating from it, addressed issues of Land tenure, promotion of equitable distribution of land access to land by all citizens; improvement of land

delivery systems; promotion of sound land information management; recognition of rights in unplanned areas; establishment of cost effective mechanisms of land survey and housing for low income families; improvement of efficiency in land management and administration and land disputes resolution, and protection of land resources from degradation for sustainable development.

Table 3. Public perception on might advantages of Land Policy

Perception on might advantages of land policy	Frequency	Percent %
They don't know the land policy	7	6.8
No refunding to the previous land owner	7	6.8
Every person has right to own land	62	53.6
Every land owners must have land certificate of occupancy	24	32.8
Total	110	100

Failure for the public to understand that land is a public right which is mentioned clearly in the land policy and not a mere perception shows the pressed need of public to be made aware of the land policy as an instrument to avoid risks of land conflicts in the future.

3.2.6 Awareness on Land Management, Governance and leadership

The study also wanted to know if Land Policy is effective in its operationalization or not. The study

findings in figure 4.8 showed that 50% of all respondents said that Land policy does not fulfill the needs of citizens due to corruption. The analysis shows that much blames on ineffectiveness of land policy are related to weak Institutional capacity during implementation that is not follow legal procedures and administrative ethics. Current findings echoes those of Kariuki (2005) in Nakuru district in Kenya, who argued that effective land policy avoids the incidences of land conflict but fulfills the social, cultural, economic and political needs of any society.

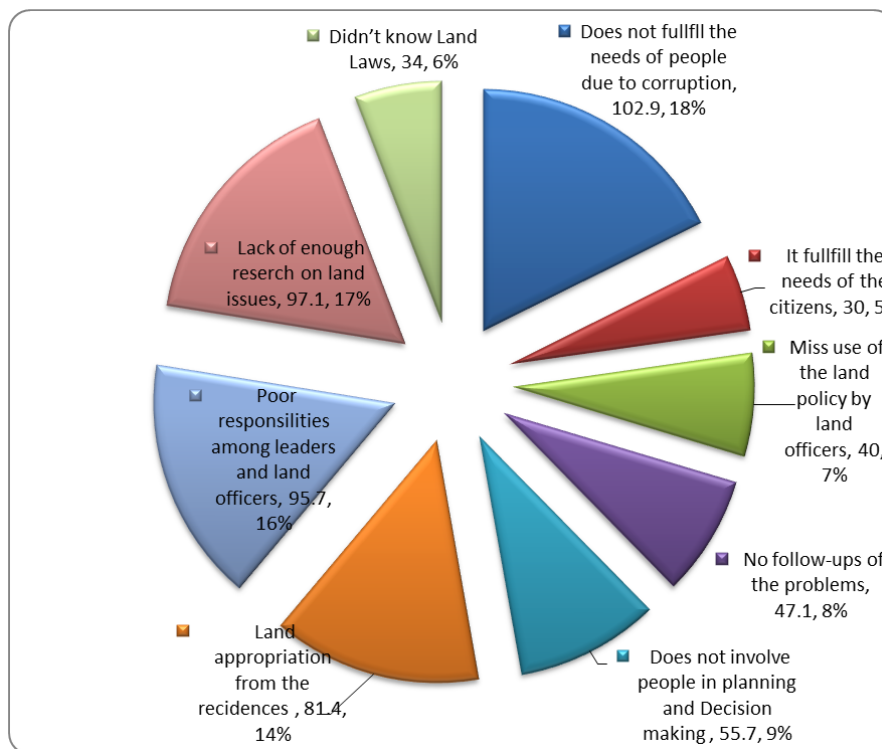


Figure 3: Effectiveness of Land Policy in Dodoma Municipality

4.0 Conclusion

The current study aimed to understand if unawareness to land policy (management; governance and leadership) among public members is linked to frequent occurrence of land conflicts in Dodoma Municipality. The studies revealed that majority of the respondents were able to describe type of land conflicts existing in Dodoma Municipality. Since the majority was not aware of the land policy they also could not analyze it. When asked to probe what could be the might advantages of the land policy at their advantage, respondents reacted to actions they publicly understand; those are having right to land, having ownership certificate and not paying the previously owners of the land once you obtain it. Many respondents reported weak institution as ineffectiveness of Land Policy. Unawareness to land policy among public members pose potential risks to land conflicts in future.

5.0 Recommendations

Making the general public aware of land policy is potential to evade land conflict risks in Dodoma Municipality. The Government Land Administration Institutes and the respective Ministry should make sure that they use various avenues and methods to impart the knowledge on land policy and instruments to the general public. Increasing the public involvement during planning and implementation of various land use schemes will allow more public members to become aware of land policy and ultimately abiding into it.

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