

**COMMUNITY PARTICIPATION AS A TOOL FOR SOLVING LAND DISPUTES IN  
TANZANIA. A CASE OF MERU DISTRICT-ARUSHA**

**Juma Almasi Mhina<sup>1</sup>, (Corresponding Author)**  
**Tengeru Institute of Community Development**  
**Department of Project Planning and Management**  
**P.O Box 1006,**  
**Arusha**  
**Tanzania**  
**Email: [almasijuma@yahoo.co.uk](mailto:almasijuma@yahoo.co.uk)**  
**Mobile: +255784315619**

**Erasto Mernard<sup>2</sup>,**  
**Tengeru Institute of Community Development**  
**Department of Community Development**  
**P.O Box 1006,**  
**Arusha**  
**Tanzania**  
**Email: [menard@gmail.com](mailto:menard@gmail.com)**  
**+255759183509**

**Mathew Ngulugulu Mgendu<sup>3</sup>**  
**Tengeru Institute of Community Development**  
**Department of Project Planning and Management**  
**P.O Box 1006,**  
**Arusha**  
**Tanzania**  
**Email: [mathew@cdti.ac.tz](mailto:mathew@cdti.ac.tz)**  
**+255713797079**

**ABSTRACT**

This study was carried out to find out the contribution of community participation in solving land conflict in Meru District, Tanzania. It used both probability and non probability sampling (purposive) to get a sample of 40 respondents who participated in the study. The data collection process involved interview, focus group discussion, structured questionnaire and documentary review. Collected data were analyzed using Statistical Package for Social Science (SPSS). The findings revealed that the communities are aware of the existing land conflict in the area and about 80% said land conflicts occur between land investors and the local land owners while the remaining 20% said that land conflict is the conflicts associated with ownership of the land. However, communities are not involved in solving land conflicts except government official although community participation in solving land conflicts is paramount important. The study recommends that government should provide education concerning land acquisition, provision of severe

punishment for government workers who take bribes for provision of community land to the investors illegally and Tanzania residents should be given the first priority by the government in land provision rather than the foreigners (Investors). Community members should prepare wills which show the distribution of properties (land) before their death in order to avoid conflicts and put in use the available land which will enable government not to take empty space for extra activities.

***Key words: Community participation, land conflicts and land disputes***

## **1.0 Background information**

Wehrmann (2006) states that in most African countries many constitutive and regulative institutions suffer from massive functional deficits: land rights are most often characterized by fragmented or overlapping legislation and legal pluralism, resulting in unclear property rights and land ownership conflicts. Land administration authorities dealing with land registration, land information systems, land-use planning and land development lack trained staff, technical infrastructure and financial resources. Administrative services are over centralized and responsibilities are often not clearly assigned or are overlapping, impeding cooperation and co-ordination. As a result, the little available and mostly incomplete or isolated data on land ownership and land use is being gathered by diverse non cooperating institutions, making its proper use difficult or even impossible. The result is endless procedures and low levels of implementation. Neither institutions constituting nor those regulating the land market make any substantial contribution to the avoidance of land conflict. Given the low salaries and openness to motivation payments, they rather contribute to them. Legal security is limited by insufficient implementation of rule of law principles, while mechanisms for sustainable land development suffer from the fact that ethical principles are not broadly acknowledged. The crucial point for all institutions is lack of implementation. Unclear implementation guidelines and contradicting legislation worsen the situation. Political will is very unsteady; the imperfect constitutional institution of land markets promotes land ownership conflict, while poor regulative institutions are responsible for both land ownership and land use conflicts

Young (2011) contends that in East Africa, minority groups face major challenges over the control of and access to land and other natural resources. Despite national policy regimes that are developing in a positive direction, the reality for minority groups and their neighboring ethnic groups is that land and natural resources continue to be a major trigger of violence. Minorities find themselves competing with other communities, with the state, and with corporate interests for control of resources upon which they depend for their livelihood, cultural integrity and future development.

According to Wehrmann (2008), land grabbing in Kenya is such a common phenomenon that it is even reflected in contemporary art. The Kenyan painter Lonaa, who documents the everyday street life of the poor, placed a hoarding with the sign "Land reserved for grabbers" in the centre of one his recent paintings. Corruption – bribery, fraud, nepotism, favoritism and clientelism – in land administration and state land management is a widespread problem, and leads to a high number of land conflicts all over the world. He further explains that Traditional chiefs, too, increasingly enter into illicit practices, selling land they are supposed to hold in trust to non-group members or to the state, causing landlessness among their own people. Many other land conflicts result from the multiple sales and double allocation of land, either due to legal pluralism or undocumented

customary tenure, or due to competing state agencies all legitimized to do so. In Nicaragua for instance, there are twelve different ways of getting land titles, resulting in ownership conflicts between small and big farmers as well as in progressing *fronteras agricolas*, and the conversion of rain forests into agricultural land and pastures (Ortega 1996, Landes 2000).

Land disputes are still a great challenge in Tanzania regardless of various efforts made by Tanzania government to handle these challenges. The efforts made include land tenure reforms; Tanzania was experiencing problems of its fair share of land tenure. Indeed, a number of academic writings on the issue suggest that there was a crisis situation (Simbarashe, M. (2012 1; Chachage, 2010). These conflicts had their roots in the history of land tenure reform as well as more recent processes economic liberalization, which had thrown up an array of interested parties and aggrieved local forces.

Land Act and the Village Land Act were enacted in 1999. The laws were enacted following the Presidential Commission of Inquiry into Land Matters (popularly known as Shivji Commission) of 1992 and the National Land Policy of 1995. National Land Policy of 1995 elaborates on the need to establish specialized land courts in order to ensure fair and speedy settlement of land disputes in Tanzania. The two laws establish the Village Land Councils, the Ward Tribunals, the District Land and Housing Tribunals, the High Court of Tanzania and the Court of Appeal of the United Republic of Tanzania as land courts.

## **2.0 Research Methodology**

The study was conducted in Akheri ward in Meru District in northern Tanzania part has a high rate of land conflict, often involving disputes between pastoralists, settled farmers and the National Ranch Corporation (NARCO). The occurrence of these conflicts made the researcher to choose the area as his case study. Meru District council has an area of 1,278.2 square kilometers. It is divided into three divisions which are determined by mixed climatic condition. However the large part of the land comprised of Tropical climate though it has adopted mountainous climate since it is near the hills of Mount Meru. Temperature ranges between 19<sup>0</sup>C-23<sup>0</sup>C.

The researcher employed a case study designs due to the following reasons. Being an exhaust study of a social unit, the case study method enabled the researcher to understand fully the behavior pattern of the concerned unit. Information collected through case study method helped a researcher in fulfilling the task ahead.

The sample of the study constituted 40 respondents. This number of respondents was categorized as follows, twenty eight (28) community members were selected from Akheri ward in Meru district, one (1) Ward Executive officer (WEO), three (3) Village Executive Officers (VEO), Seven (7) Street Executive Officers and one (1) Ward community development officer (WCDO). Ward Executive officer (WEO), Village Executive Officers (VEO), Street Executive Officers and Ward community development officer (WCDO) were selected through purposive sampling. For the community members, probability sampling was employed in which lottery method was used. This method has been chosen because it eliminates bias in the selection of respondents.

Data were collected using different methods such as interview which involved oral communication and face to face interaction. The method was more useful to get the effective information required,

general views and experience of the interviewee relating to community participation and land disputes. The researchers also used focus group discussion to collect primary data, in this method the respondents were divided into groups of 5-10 people. The researcher facilitated the discussion by asking questions and recording the answers provided. This method was very helpful because it gave the respondents' chance to be free to express themselves.

Questionnaire used to get both qualitative and quantitative data within the targeted context. In this method questions were prepared and sent to respondents to provide the required answers. Various documents were reviewed. Some information from files, books, reports and other written documents visited includes; different libraries and offices like Training Institute of Community Development (TICD) - library and Internet purposely to collect secondary information pertaining to land disputes. Collected data were coded, edited and classified before analysis was done using Statistical Package for Social Science (SPSS) and hence the data were presented in tabular form.

### **3.0 Results and Discussion**

#### **3.1 Respondents' socio-economic characteristics**

The study composed of different sex respondents that are male and female in order to reduce the biases and promote the equality to both male and female in information collected. Research presents findings from fifty three percent (53%) female of the total respondents and forty seven percent (47%) male of the total respondents. The results show that majority of respondents were women which constitute 52.5% of the total respondents compared to only 47.5% men. This variable was assessed so as to see the extent at which both sex are aware on the issues related to land disputes. Another characteristics assessed was age group of respondents, age provides the ground for the respondents with different age group to give out their views due to various experiences of life in relation to the topic of study. In this study the respondents with different ages participated. Majority of respondent (32.5%) were aged between 36-45 years old of total respondents and minority of respondents (5%) were aged between 18-25 years old as indicated in table 1.

Education level was an important aspect to assess in this study due to the factor that level of education determines the level of understanding of issues related to land disputes. The highest level of education attended by majority ( 58%) of the respondents was primary education, twenty eight percent ( 28 %) of respondents attend secondary education , (7.5 %) was adult education , five percent( 5%) of respondents college and only three percent (3%)attended advanced level (form six). Most of the community members attended primary level of the education and minority have attend the collage , form six level and adult education. Also the study included various people with different occupations due to the fact that the researcher wanted to get ideas from respondents of various occupations. The study covers people with different occupation such as Farmers, Employees, Retired, Students, Village Executive Office (VEO), Ward Executive Officer (WEO), Ward Community development Officer (WCDO) and Mtaa Executive Officer (MEO) as shown in table 1.

**Table 1: Respondent's socio-economic characteristics**

<b>Sex</b>	<b>Number(N=40)</b>	<b>Percent (%)</b>
Male	19	47.5
Female	21	52.5
<b>Total</b>	<b>40</b>	<b>100</b>
<b>Age group</b>		
18-25	2	5
26-35	10	25
36-45	13	32.5
46-55	9	22.5
56-65	6	15
<b>Total</b>	<b>40</b>	<b>100</b>
<b>Education level</b>		
Adult Education	3	7.5
Primary Education	23	57.5
Ordinary Secondary Education (Form IV)	11	27.5
Advanced Secondary Education (Form VI)	1	2.5
College	2	5.0
<b>Total</b>	<b>40</b>	<b>100</b>
<b>Occupation</b>		
Farmers and Pastoralists	1	2.5
Farmers	23	57.5
Employees	2	5.0
Retired	1	2.5
Student	1	2.5
Village Executive Officer(VEO)	3	7.5
Ward Executive Officer	1	2.5
Ward Community Development Officer (WCDO)	1	2.5
Mtaa Executive Officer (MEO)	7	17.5
<b>Total</b>	<b>40</b>	<b>100</b>

Source: Research findings (2014)

### 3.2 Land conflicts in Akheri Ward

The study inquired about the respondents' knowledge about land conflicts. The findings show that respondents have different understanding on the land conflicts where majority (80%) pointed out that land conflicts occur between land investors and the local land owners while the remaining 20% said that land conflict is the conflicts associated with ownership of the land.

All respondents agree that there are land conflicts in their areas and the problem still exists in Akheri ward. The research findings revealed six kinds of land conflicts in the survey area whereby 45% of the respondents said that there is conflicts between farmers and investors, 25% said that conflicts of borders/boundary existed among the community members due to the present of un permanent of boundary within the society, and 10% said that there is conflicts among the farmers where it occurs among the farmers who fight for small piece of land around them. Others, 5%, said that there is conflicts between farmers and pastoralists due to the scarcity of the land for the agriculture activities and pastoralist activities, about thirteen percent (13%) of respondents said conflict associated farms it occurs when people die without distribute the land for their relative and only about three percent (3%) conflicts is between pastoralist and investors, this occurs when pastoralist invade land for the investors due to the scarcity of their land compared to their animals as indicated in table 2 .Through grouped discussion most of respondents reported that the major

conflict which exist is between farmers and investors and one of the conflict that still exist between farmers and investors is Madila farm found in Singisi ward.

**Table 2: Kinds of land conflicts in the study area**

<b>Kinds of land conflict</b>	<b>Number (n=40)</b>	<b>Percent (%)</b>
Boarder/Boundaries	10	25.0
Farms	5	12.5
Farmers	4	10.0
Farmers and Pastoralists	2	5.0
Farmers and Investors	18	45.0
Pastoralists and Investors	1	2.5
<b>Total</b>	<b>40</b>	<b>100</b>

Source: Research findings (2014)

### 3.3 Causes of land conflicts in the study area

Majority of the respondents (57.5%) said that most of the land conflicts have been occurring due to the local village government leaders favoring investors mostly from outside by allocating pieces of land which belongs to the people leaving them with little or no land for farming or any other activity. Twenty five percent (25%) of respondents said that poor relationship between local government leaders due to the use of top down approaches to the community members and poor relationship between local government and farmers, ten percent of respondents (10%) said that poor relationship between investors and farmers, about eight percent of respondents(8%) said that” poor relationship between local government and pastoralists where government leaders take the pastoralist land to the investors without agreement, poor relationship between investors and village government and poor relationship between investors and pastoralists as shown in table 3..

Through grouped discussion and interview many respondents emphasized that favoritism of the village government to the investors contributed much for the increasing of the land conflicts in Akheri Ward

**Table 3: Causes of land conflicts**

<b>Cause</b>	<b>Frequency</b>	<b>Percent (%)</b>
Poor relationship between local government and community members	5	12.5
Poor relationship between local government and farmers	5	12.5
Poor relationship between local government and pastoralists	1	2.5
Favoritism of the village government to investors	23	57.5
Poor relationship between investors and village government	1	2.5
Poor relationship between the investors and farmers	4	10.0
Poor relationship between investors and pastoralists	1	2.5
<b>Total</b>	<b>40</b>	<b>100</b>

Source: Research findings (2014)

### 3.4 Participation of the community in solving land conflicts

Results from the study show that 88.5% of the respondents said that the community members are not involved in solving land conflicts and all decisions concerned with land are made only by the local government leaders in collaboration with the central government leaders, and so the local community becomes only the implementers. The remaining 12.5% said that the local people do get involved in solving land conflicts and these were mostly the leaders. However, all the surveyed

respondents said that involvement of the local community in finding solutions to land conflicts is of paramount importance. Carle and Ross (2006) local-level organizations can increase the communities' awareness of their land rights, strengthen local institutions and rural peoples' organizations in conflict-affected communities, and provide training in conflict management. They can also systematically monitor local conditions in order to undertake evidence based advocacy and include the findings in policy recommendations at both national and global levels

The researcher further asked the respondents reasons behind them being involved in solving land disputes in their areas. The table 4 shows three reasons given by the respondents. About 88% said that it helps the community to understand the contracts done between the local government's leaders and investors with community members, (10%) said that" help to understand the contracts done by the government and farmers and only (2.5%) said that to understand all contracts done by the local government and pastoralists. In so doing whatever land disputes arises it become easy for the conflicting parties to get solution since communities were involved from the beginning of the contract.

**Table 4: Benefits of involving community members in solving land conflicts**

Benefits obtained when community members involved in solving land conflicts	Number (n=40)	Percent (%)
Help to understand the contracts done between the local government and farmers	4	10.0
To understand the contract done by local government and pastoralists.	1	2.5
To understand the contracts done by the local government with investors	35	87.5
<b>Total</b>	<b>40</b>	<b>100</b>

Source: Research findings (2014)

### 3.5 Effects of land conflicts

When asked about the effects of land conflicts in the study area, respondents replied that land conflicts resulted into effects as indicated in Table 5. Majority of respondents, seventy percent (70%) said that land disputes cause development stagnation within the society where people concentrates and spend much time on land conflicts instead of performing other development activities, about thirteen percent (13%) said that lack of good relationship within the society which results into unnecessary conflicts within community members, ten percent (10%) also said that it leads to the law violation and 7.5 % of the respondents said that" it leads to war within the society.

**Table 5: Effects of land conflicts**

Effect	Number (n=40)	Percent (%)
Retard community development	28	70.0
War within the society	3	7.5
Breakage of law	4	10.0
Poor relationship among people	5	12.5
<b>Total</b>	<b>40</b>	<b>100</b>

Source: Research findings (2014)

## 4.0 Conclusion and recommendations

### Conclusion

It was observed that community members are not involved in solving land disputes, however they are implementers of decisions made by the local leaders, even though community participation in solving land disputes plays a big role on creating a permanent solution toward the problem which have been leading into lack of good relationship between community members and government, law breakages, disappearance of peace in communities, development stagnation within the society where people concentrates and spend much time on land disputes instead of doing development activities. Also involving community in handling land disputes will enable them to understand the contracts done between the local government and farmers, the contract done by local government and pastoralists and the contracts done by the local government with investors

### Recommendations

It is recommended that government should provide education concerning land acquisition, provision of severe punishment for government workers who take bribes for provision of community land to the investors illegally and Tanzania residents should be given the first priority by the government in land provision rather than the foreigners (Investors). Government should make sure that there is clear policy for land division among farmers, pastoralists and investors and reduce cost and all processes of acquiring certificates of land ownership.

On the other hand community members should be curious and ready to participate effectively when the government wants them to participate in land issues, avoid illegal selling of land which leads to the shortage of land hence starting fighting for land allocated by the government for its activities, use family planning to ensure that the Tanzanians are correlating with the available land since land does not increase when they increase, prepare wills which shows the distribution of properties (land) before their death in order to avoid un necessary conflicts and put in use the available land which will enable government not to take empty space for extra activities.

### Reference

- Chachage, C. (2010). Land acquisition and accumulation in Tanzania: The case of Morogoro, Iringa and Pwani regions.
- Government of Tanzania. 1999a. Land Act (Law No. 4 of 1999)
- Landes, J ( 2000) Landnutzungskonflikte im Biosphärenreservat Bosawas, Nicaragua, am Beispiel der Indigenen Comunidad Sikilta. Technische Universität München
- Ortega, R.: Tierra (1996) Recursos Naturales y Derechos Indígenas en la Costa Atlántica de Nicaragua. World Bank,
- Simbarashe, M. (2012). Land Efforts needed to end conflicts between farmers and Cattle elders.
- URT, (2012). Population and housing census published in Dar es salaam, Tanzania
- Wehrmann. B, (2006). Solving land conflict in Africa, published by University of Munched, Germany May 2006, Volume 20, Issue 25/04/2006
- Wehrmann, B (2008) Land conflicts- A practical guide to dealing with land disputes, Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH
- Young A. (2011), Land livelihoods and identities. Inter community conflicts in East Africa, published by Minority Rights Group International 2011