

**ANALYSIS OF INSTITUTIONAL ARRANGEMENTS IN GOVERNANCE OF
AGRARIAN SYSTEMS IN TANZANIA: THE CASE STUDY OF MULEBA
AND MISSENYI DISTRICTS**

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**A THESIS SUBMITTED IN THE FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF DOCTOR OF PHILOSOPHY OF THE OPEN OF
UNIVERSITY OF TANZANIA**

2019

CERTIFICATION

The undersigned certify that they have read and hereby recommend for acceptance by the Open University of Tanzania a thesis entitled: ***“An Analysis of Institutional Arrangements in Governance of Agrarian Systems: A Case Study of Muleba and Missenyi Districts”***, in partial the fulfillment of the requirements for the award of Doctor of Philosophy in Development Studies of the Open University of Tanzania.

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.....

Signature

.....

Date

DEDICATION

I would like to dedicate this thesis to my entire family, my late father, Bernardo Kazoba and my late mother, Amelia Mukagirage, may God bless them.

ACKNOWLEDGEMENT

I wish to express my sincere gratitude to all who contributed directly or otherwise to the writing of this thesis. The list is long but special thanks should first go to my supervisors: Professor Elliot P. Niboye of the Institute of Development Studies, University of Dar es Salaam and Dr. James L Kisoza of the Open University of Tanzania for their guidance, from the stage of the research proposal to the writing of this work. Their constructive criticisms, encouragement and valuable comments helped to shape this thesis.

I am also grateful to Prof. Faustine Maganga, of the Institute of Resource Assessment, University of Dar es Salaam, Prof. S. E. Chambua of the Institute of Development Studies, University of Dar es Salaam, Prof. H. Mwansoko, the Director of Culture in the Ministry of Culture, Sports and Information. They gave me a lot of valuable advice on the research topic.

The management of the Institute of Social work, especially the former Rector Prof H. Rwegoshora deserves my thanks for granting me study leave and supporting me financially. Above all, I am grateful to the then PhD programme colleagues, Dr Joseph Pessa and Dr Polycarp Africanus, who unselfishly shared with me their experiences and theoretical knowledge on various issues. To all members of my family, I am very thankful for their understanding, patience and support they accorded me all along.

Finally, I would like to thank Mrs Habiba Badri of the Open University of Tanzania, for her excellent word processing.

ABSTRACT

A study was conducted in six villages in Muleba and Missenyi districts, Kagera region, to analyze types and roles of institutions governing land in the agrarian system. A questionnaire survey, observation and Focus Group Discussion methods were employed in data collection. The main land uses and related economic activities in the study area were small holding farming (56%), pastoralism (4.5%), small-hold gardening (3.6%) and agro-forest (7.5%). The main live-hood support systems were predominantly agrarian basing on agriculture activities. The area was facing serious land shortage (98.5%) where the majority of respondents owned between 1 and 2 acres of land (38.5%); mainly held under customary institutions (34.3%). The land was accessed through inheritance (42.4%) and purchases (30.3%). Tenure security of land for most rural communities was guaranteed through customary institutions. There was reported increasing land commercialization. The area was also facing increasing land-use conflicts (93%). Main conflict types were: farmers' *vs* pastoralists in Mleba district; and farmers' *vs* state agencies in Missenyi district. The local customary mechanisms were rated the most efficient in resolving land-use conflicts. While, formal institutions were employed to ex-appropriate land from local communities. A new customary institution "*emiteko*" has evolved in the study area to organize collective labour of production and safe guard tenure security of land. This is in response to increased commercialization of the agrarian system. It was recommended to integrate the local customary conflict resolution mechanism in resolving land-use disputes at district level.

TABLE OF CONTENTS

CERTIFICATION	ii
COPYRIGHT	iii
DECLARATION	iv
DEDICATION	v
ACKNOWLEDGEMENT	vi
ABSTRACT	vii
LIST OF TABLES	xiv
LIST OF FIGURES	xv
LIST OF ABBREVIATIONS AND ACRONYMS	xvi
CHAPTER ONE.....	1
INTRODUCTION.....	1
1.1 Background to the Study.....	1
1.2 Challenges Facing Land Tenure in Rural Tanzania.....	3
1.3 Conceptual Issues of Agrarianism in Tanzania.....	4
1.4 Statement of the Problem.....	8
1.5 Objectives of the Study	8
1.5.1 General Objective.....	8
1.5.2 Specific Objectives of the Study	8
1.6 Research Questions	9
1.7 The Conceptual Framework.....	9
1.8 Theoretical Framework	12
1.8.1 Evolutionary Theory	15

1.9	Significance of the Study	18
CHAPTER TWO.....		20
LITERATURE REVIEW.....		20
2.1	Overview	20
2.2	Concepts and Definitions	20
2.2.1	The Definition and Nature of Institutions	20
2.2.2	Enforcement as Critical Aspects of Institutions.....	21
2.2.3	Concept of Agrarian System	22
2.2.3	Concept and Practice of Governance	23
2.3	Property Rights and Regimes.....	25
2.3.1	Property Rights	25
2.3.2	Common Property Regime.....	26
2.3.3	Land Tenure	27
2.3.4	Land Tenure Institutions	28
2.3.4.1	Customary Land Tenure.....	29
2.3.4.2	Private Land Tenure.....	31
2.3.5	Evolution of Land Tenure Regimes in Tanzania	32
2.3	Indigenous Land Tenure systems in Muleba and Missenyi Districts	36
2.4	Agrarian Systems	41
2.4.1	Agrarian Transformation.....	43
2.5	Experiences of Agrarian Transformation.....	48
2.5.1	Regional Overview on Agrarian Reforms and Experiences	50
2.5.2	Agrarian Reforms in the Republic of Southern Korea.....	52

2.5.3	Agrarian Reforms in China	55
2.5.4	Agrarian Reforms in Iran	57
2.5.5	Agrarian Reform in Russia.....	59
2.7	Agrarian Transformation in Africa	64
2.8	Agrarian Issues in Tanzania	68
2.8.1	Agrarian Issues During the Neoliberal Era	72
2.8.2	Agrarian Change in Tanzania.....	76
2.8.3	Forms of Agrarian Accumulation	79
2.8.4	Coo-peratives and Agriculture in Tanzania	79
2.8.5	Parastatal Crop Authorities and State Farms	83
2.8.6	Agrarian production and Liberalization Policies	86
2.9	Tanzania's Land Law Reform.....	87
2.9.1	The Implementation of Tanzania's Land Reform.....	93
2.10	Policy Review	94
2.10.1	National Policies- Governing Land Resource.....	94
2.10.2	Policy Instrument Governing Access of Land Resources.....	95
2.10.3	The Ujamaa Village Related Policies	99
2.10.4	Institutional Framework and Functioning of the Village Economy	99
2.11	The Knowledge Gap	101
2.12	Summary	104
CHAPTER THREE		105
RESEARCH METHODOLOGY.....		105
3.1	Overview	105

3.2	Description of the study Area and Justification of the Study Area.....	105
3.3	Study Population	106
3.4	Study Design	106
3.4	Sampling Procedure and Sample Size.....	107
3.4.1	Sampling Procedure	107
3.4.2	Sample Size.....	107
3.5	Data Collection Methods.....	108
3.5.1	Key-informant Interviews	108
3.5.2	Focus Group Discussions.....	109
3.5.3	Non- Participant Observations	109
3.5.4	Questionnaire – Survey	110
3.6	Secondary Data Collection.....	110
3.7	Data Analysis	111
3.8	Data Quality Control and Ethical Consideration	111
CHAPTER FOUR.....		112
RESULTS AND DISCUSSIONS		112
4.1	Introduction	112
4.2	Land uses Characteristics.....	112
4.2.2	Farm Holdings Characteristics.....	114
4.2.3	Main Sources of Income in the Study Area	115
4.2.4	Livestock Ownership in the Study Area	117
4.2.5	Reasons for Keeping Livestock	118
4.2.5	The Challenges Faced by Livestock Keepers	120
4.2.6	Perceived Land Shortages in the Study Area.....	122

4.3	Existing Land Tenure Systems that Influence Access to Land.....	127
4.3.1	Perception on the Meaning of Land Tenure.....	127
4.3.2	Types of Traditional Institutions Governing Access to Land	128
4.3.2.2	Loan of Land.....	131
4.3.2.3	Traditional Institution Based on Inheritance.....	131
4.3.2.4	Tenancy	132
4.3.2.5	Gift	133
4.3.2.6	The Formal Arrangement of Mortgage or Pledge of Land	134
4.3.3	Land Acquisition Methods.....	138
4.3.4	Legitimacy and Efficiency of Traditional Institutions	139
4.3.5	Occurrence of Land use Conflicts.....	142
4.4	Strategies for Strengthening Formal Institutions in the Administration of Land Resource	147
4.5	Features Linked to the Evolution of Customary Institutions in the Land Resource Management.....	149
CHAPTER FIVE.....		158
CONCLUSION AND RECOMMENDATIONS		158
5.1	Conclusion	158
5.1.2	Implications on Existing Land Tenure System and Evolving Land Tenure Institutions	158
5.1.3	Factors Driving Changes on Traditional Institutions for Administering Land Resources	160
5.1.4	The Implication on the Strength of Existing Institutions for Management of Land Resources.....	161

5.2	Recommendations	161
5.3	Recommendation for Further Research	162
REFERENCES		163
APPENDICES		194

LIST OF TABLES

Table 4.1(A): Responses on Main Land uses in Muleba District	112
Table 4.1(B): Responses on Main Land uses-activities in Misenyi District	112
Table 4.2: Responses Distribution of Opinions on Sources of Household Income.....	116
Table 4.3: Response Distributions on Household Livestock Ownership.....	116
Table 4.4: Responses Distribution on Reasons for Livestock Ownership in Study Area.....	117
Table 4.5: Reasons for Raising Livestock as Revealed by FGD	118
Table 4.6: Responses Distribution on Limitations of Raising Livestock.....	119
Table 4.7: Responses on Challenges Faced by Livestock – Keepers.....	120
Table 4.8: Perceived Land Shortages in the Study Area.....	123
Table 4.9: FGD Scores on Reasons of Land Shortage in the Study Area.....	124
Table 4.10: Reasons for Land shortage.....	125
Table 4.11: Perceptions on the Meaning of Land Tenure from the FGD	127
Table 4.12: FGD Scores on the Type of Traditional Institutions Determining Access to Land in the Study Area	129
Table 4.13: FGD Scores on Institutional Arrangements Characterized by Land Conflicts in the Study Area.....	135
Table 4.14: Methods of Land Acquisition in the Study Area as Revealed by FGD	138
Table 4.15: Responses Distribution on Occurrence of Land use Conflicts	143
Table 4.16: Features Linked to the Evolution of Customary Institutions in the Land Resource Management as Given by FGD.....	150
Table 4.17: Opinions a Sustainable Institutional Framework	156

LIST OF FIGURES

Figure 1.1: Diagrammatic Representation of Conceptual Framework	12
Figure 3.1: Map of the Study Area.....	105
Figure 4.1: Strategies used to Strengthen Existing Formal Institutions in the Administration of Land Resource in the Study Area	148

LIST OF ABBREVIATIONS AND ACRONYMS

ADB	Asian Development Bank
ADR	Alternative Dispute Resolution
ANC	African National Congress
ARD	Agricultural and Rural Development
ASDP	Agricultural Sector Development Strategy
BEST	Business Enterprises Strategy for Tanzania
CCM	Chama cha Mapinduzi
CORECT	Commission for Regulation of Land Tenure
DC	District Commissioner
DED	District Executive Director
EAC	East African Community
ERP	Economic Recovery Programme
FAO	Food and Agricultural Organization
GCB	Global Corruption Barometer
IFAD	International Fund for Agricultural Development
IMF	International Monetary Fund
IPRI	International Property Index
JALA	Judicature and Application of Laws and Acts
JLL	Jones Lang la Sale
LBP	Land Bank Parcels
LDS	Land delivery Services
LUAs	Land User Associations
LUP	Land use plans

MLP	Malawi Land Policy
NESP	National Economic Survival Programme
NLP	National Land Policy
PRA	Rapid Assessment Appraisal (Participatory Rapid Appraisal)
RETI	Real Estate Transparency Index
SAP	Structural Adjustment Programme
SPSS	Statistical Package for Social Science
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNESCAP	United Nations Economic Scientific Associations
URT	United Republic of Tanzania
VA	Village Assembly
VC	Village Council
VEO	Village Executive Officer
VLA	Village Land Act No 2 of 1999
WB	World Bank
WDC	Word Development Committee
WDCs	Word Council
WEO	Word Executive Officer

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

Land is a primary asset for survival and development in most of agrarian system of Africa, where it supports the livelihoods of most rural people. The importance of land in African development is underlined by the fact that around 60 percent of the population derives their livelihood and incomes from farming, livestock production and related activities. The contribution of agricultural sector to Gross Domestic Production (GDP) in most sub-Saharan countries exceed 25 percent therefore land remains the most important factor in development in the pre-dominantly agrarian economies of Africa (Adebayo, 1997).

Land in Tanzania constitutes one of the major four natural resources namely land, forest, water and minerals. As the primary resource, Land affects other sectors, which are of paramount importance to the existence of the nation state. For instance, in Tanzania land is still inextricably tied to labor as it provides employment to nearly 67% of the population through agricultural activities, which employ about 82% of the total rural population. As such land ensures food security and natural security in general. The country has a total area of about 945,000 square kilometers, of which approximately 44 million hectares are arable land for agricultural activities. It is estimated that about 88% of arable land is found in rural areas, (Chachage, 2010).

However, of the total arable land, it is estimated that only 23% is currently utilized. This status insinuates that Tanzania has vast tracks of unused “virgin land” potential

for large scale agricultural investment. Thus at the moment there is a move to attract huge local and foreign direct investments in village lands in sectors such as agriculture, mining, tourism and bio-fuel production.

According to Hayuma and Conning (2004) before Tanzania was subjected to colonialism, land holding was based on customary laws of different tribes (in all 120 tribes in Tanzania). Thereby, title to the land was based on traditions and customs of the respective tribes. Ownership of land was predominantly communal, owned by a tribe, clan or family. Chiefs, headmen and elders had the powers of land administration in trust for the community. These powers continued through the colonial era though they were limited by the newly introduced German and later British land tenure system. All lands were declared to be subject to the crown and public lands respectively. The customary land is still in place (to this date), but since 1963 the chiefs headmen and elders have been replaced by the elected village councils.

Upon attainment of Tanzania's mainland political independence in 1961, the Government realized that there was a need to develop a coherent and comprehensive land policy that would define the land tenure and enable proper management as well as allocation of land in both urban and rural areas. According to Hayuma and Conning (2004) such a policy could help to: Accommodate changes in land use and increasing human population in the country; control large stock – population which increases demand for grazing land and creates serious land degradation and protect the environment from extension of cultivation to marginal areas. Thus policies such

as Tanzania national Land policy 1995 and the 1997 National land policy plus 1999 national land Law and village land Act No 5 1999 were formulated by the government.

1.2 Challenges Facing Land Tenure in Rural Tanzania

Despite that Tanzania has the national land law No.4 1999 and village land Act No.5 of 1999 that aims at promoting harmonious land ownership in the country's rural areas. There exist numerous challenges as far as land ownership is concerned. These challenges include; conflicts on land use in rural areas especially between farmers and livestock-keepers, persistent land disputes resulting from rapid expansion of towns encroaching on surrounding farming areas; tenure conflicts between customary and granted land rights (Simbarashe, 2012). Alienation of the people through accumulation of land in the hands of big national and multi-national companies, leaving small scale producers landless (Chachage, 2010, Nelson and Sulle, 2012). There is absence of adequate and coordinated land information. This mainly, manifested in the lack of awareness about land information amongst the people. Such a problem has created enormous poor planning for land utilization and it has eventually led to the building of houses without planning especially in the villages. Additionally, in several parts of Tanzania, there is land insecurity amongst small-land holder farmers (ESRF: 2013).

The existence of such challenges is partly attributed to problems inherent in the land policies of the country: The national land law No. 4 of 1999 and the village Act No. 5 of 1999; It appears that these land laws and as well as related Acts, have both strength and weakness in handling land ownership matters in the country. The

strength of the land law and village land Act are such as its ability to ensure that land is put to its most productive use to promote rapid social and economic development of the country. It promotes an equitable distribution of and access to land by the citizens. And it promotes sound land information management. Its weakness includes land conflicts that still exist among agriculturalists (pastoralists and agro farmers) especially in rural areas despite the policy-objectives of settling such problems. While land is still allocated to individuals, private firms including foreign investors regardless of their proven ability to develop them, the law does not have specific statements which are reversing this and information system based in various aspects on land such as the names, addresses, size, location and use of parcels is still ambiguous that is why some homes are being destroyed to pave way for development projects such as road construction.

1.3 Conceptual Issues of Agrarianism in Tanzania

Agrarian sector in Tanzania, like many other developing countries, does mean a country where the majority of population depends entirely on land for their livelihoods but when this dependency is in crisis, the term Agrarian question is the proper term to apply (A Dictionary of Political Economy 1984). Primarily agrarianism in Tanzania has been instigated by the colonial and Neoliberal economic reforms in the past decades and has been intensified through the continuing forms of accumulation of capital, leaving the most of local communities in a state of destitution and impoverishment, while exposing the majority of the people to what can be termed as massive exploitation and marginalization. This state of affairs indicates a pervasive agrarian crisis (Maghimbi, Lokina and Senga, 2011).

After the coming of colonialism – the colonial land tenure Institutional arrangements changed almost everything in favour of the colonialists and chain immigrants (Shivji 2009). It was the poor small holder – producers, after the coming of colonialism, who were the majority in the country side but not the people who advocated distribution of landed property. Infact, due to the semi finished process of divorcing the small-holder producers from their means of production which is essentially land, through the shocking process of forcing people to move from one place to another to seek work to do. The process mentioned here, formed a system whereby poor small holder producers sold their labour power in order to sustain as well as their families needs during the colonial period. Over and above, people were indulged in other activities where they were also paid allowances, in other words people call it bachelor wage system that helped them to survive on.

These activities were like, working in plantations, working in mines and road building. It was argued by Shivji (2009) that the totality of these types of exploitative relationships, the colonial masters had superimposed on their subjects, enabled the imperialists to survive and this created a mechanism of super exploitation. Along such a system of exploitation through commodity-exchange, there was also a system of land alienation by the colonial masters that extended their colonial exploitation, which could be compared to that exploitation extended to developing states during the emerging of capitalism as a mode of production; this could be referred to what was elaborated by Marx (1860).

Various forms of exploitation have sustained even to post-colonial period even today during the neoliberal era as elaborated by Shivji (2009). These exploitative tentacles

have assumed different trends where we see the poor small holder-producers, who were turned into an artificial source of exploitation through infamous works ranging from forced labour to child labour. These poor small holder producers have sincerely failed to sustain under such circumstances, in being supported by land alone. Thus small landholders / farmers have decided to look for other activities to survive on such as trivial or minor trading activities, involving in skill making activities; extracting from quarries and making of gold articles.

All these activities noted above, were referred to as 'multi-occupations a diversifications of income and marked an end of peasantry. To this point Shivji (2009) responded by saying that those were views given by foreign researchers in their documents to glorify those infamous, exploitative activities. Infact, those were survival strategies meaning that peasant labour super-exploits itself via intensification of labour. Secondly these are survival techniques designed to struggle against super exploitation of super-exploitation of capitalism. The outcomes of labor intensification plus capital accumulation have resulted into differentiation in our community.

This was seriously clarified by Lenin (1899) (drawing on Marx, 1860) in the entire explanation of peasantry and peasant economy. On the same line of thinking, (Peters, 2013) clarified more on peasantry, by saying that, when capitalist ways of production are linked to agriculture the peasantry - branches or divides into rich, middle and poor classes. The rich small holder producers are peasant-capitalists. These rich small –producers are able to hire labor plus machinery and finally enhance good production. Then the poor small-holder producers are those who have

been divorced from their means of production essentially ‘‘land’’. Their land was alienated by the colonial – capitalists and henceforth, they cannot survive on land alone; but combine farming and selling their labor power. In the country side, poor small landholders/producers become laborers for the progressive small land holders/producers and other capitalists. The poor small land holders/producers move to urban areas to seek for work, the Middle small producers are the rural people involving in minor or trivial commercial undertaking who may later on join or get linked to commercial class.

The arguments used to justify government action to tightly control derived rights arrangements have, however, been invalidated by recent studies. Moreover, when government policy measures seek to suppress such forms of local traditional Institutional arrangements, without simultaneously solving the problem to which they are a response, imperfection of certain markets, uncertainty, limited access to credit etc, there is a great risk of generating counter productive results in terms of both efficiency and equity.

Consequences may include blocking opportunities for farm size to adjust to the availability of other factors. Insecurity or land owners leading to less land being available for farming and resort to less efficient- alternatives and unable farming to recognize that small land holders / farmers will always need to adjust their access to land according to the availability of labor and other factors which are bound to vary during the lifecycle of farm household.

1.4 Statement of the Problem

Land has become a very high profile issue in Tanzania and there is an often desperate scramble for land in the context of privatization and the search for foreign investments. In particular, farming and grazing lands in the study areas held under various forms of communal tenure have come under serious threat (Oxfam, 1997). It appears as if there is weak Institutional setting in Tanzania that can ensure equitable use of land resources, people's participation and security for livelihood of the majority (Moyo, 2008 shivji 2009). The implication of this, there is continuous contradiction in resolving land use disputes and conflicts. The study therefore attempts to analyze the institutional arrangements and governance of agrarian system in the selected area with a view to improve farmers and pastoralists' rights.

1.5 Objectives of the Study

1.5.1 General Objective

The general objective of the study was to determine the types and roles of institutions that govern the agrarian system in Muleba and Missenyi district in view of recommending on sustainable institutional setting that can ensure equitable and sustainable use of land resources.

1.5.2 Specific Objectives of the Study

The specific objectives of this study were:

- (i) To determine the main land uses and farm hold-characteristics in the study area

- (ii) To establish the main land tenure system and mode of access to land resources in the Study area.
- (iii) To examine the types and causes of land use conflicts and their mitigation pathway in the study area.
- (iv) To evaluate the evolution of customary institutions in the land resource - management in the study area.

1.6 Research Questions

The study address the following questions

- (i) What are the main lands uses in the area under study? This question attempts to capture the main types of land uses in Muleba and Missenyi district.
- (ii) What are the existing land tenure systems that influence the day-to-day management of land resources by users? This question looks at the nature, types and effect of the existing legislature, customary law or informal arrangements and how they affect land allocation and ownership among users.
- (iii) Which are the strategies of existing formal arrangements in the administration of land resources from the study area?
- (iv) What is the evolution of customary arrangements in the land resource-management in the study area?

1.7 The Conceptual Framework

Figure 1 presents the conceptual framework of this study. In describing the major transformations in land use pattern and farming systems we need to periodize the

historical epochs so that we may situate specific occurrences accordingly. During the pre capitalist period, the dominant customary arrangements were to control or guide the production relations which were basically communal in nature, and by then land was owned communally by the clan or kinship-lineage. Land was to serve all people in the society. In fact, customary arrangements encouraged adherence to social norms, taboos, labour, services, respect and support. Tenants could consume but could not sell other crop growing on the farms. Institutions were seen from the level of the family, clan and village. These institutions controlled land in every aspect so that land could help people to satisfy their basic needs through production on mutual basis (Polanyi, 1976).

These indigenous/ traditional communities witnessed drastic changes due to sporadic evolution of arrangements as result of the capitalist penetration into pre capitalist societies. This contact necessitated the speed of transformation of the traditional institutional arrangements. Changes ranged from political, economic to social conditions; all these formulated new relations of production to new capitalist relations of production. Major changes were noted along land (Kenpost, 1972).

Given an increasing scarcity of land, the land resource was increasingly accessed through sale. However sale has also now become less frequent since only small areas of land are still available. Basically, land had turned into a commodity, through commoditization. The trend of the political situation also changed very substantially by bringing about a major shift in the land rights whereby intruders, migrants, businessmen/ merchants were able to secure their claims to land, formerly claimed

by indigenous communities. The principle underlying land - rights made land belong to the one who cultivates it or who has secured title or one who has paid fees for that piece of land. This situation changed drastically and indigenous people ended in having a lot of disputes with intruders/ migrants and rich people who were able to secure their claims to land, formerly claimed by indigenous communities. This was an emergency of disputes between people and their elders. In many areas local people came to resent their effective dispossession of land, given the high level of in migration.

It is argued by Place and Hazell (1993) that productivity effects of indigenous land tenure systems was caused by the growth of population which was an autonomous factor, making for a steady intensification in agriculture, which in turn brings a whole host of economic and sociological changes on its train. Thus Place and Hazell's main impression however, was that primitive agricultural communities (like those from the study area) were dynamic. These primitive agricultural communities were subject to changes in agriculture – technology, induced by population pressure. In, fact population growth had created the main stimulus to agrarian change (Kaldor, 1986).

The economic down turn for the time being which continues today by increased demand of land brought by young population who could not be absorbed in the formal sector in town. They now seek to farm but land is no longer in such abundant supply, given the extensive areas transferred earlier by their father's to people who were capable of buying those area.

This has created another inter generational tension between the young men and lineage elders, within the local population. There has been a gradual shift in social relations from those based on kinship and alliance, to those of patron and client. Family heads can no longer rely on their sons providing free labour and they must pay for this service. Access to land is much more commodified with cash payment proportional to the size and quality of the land.

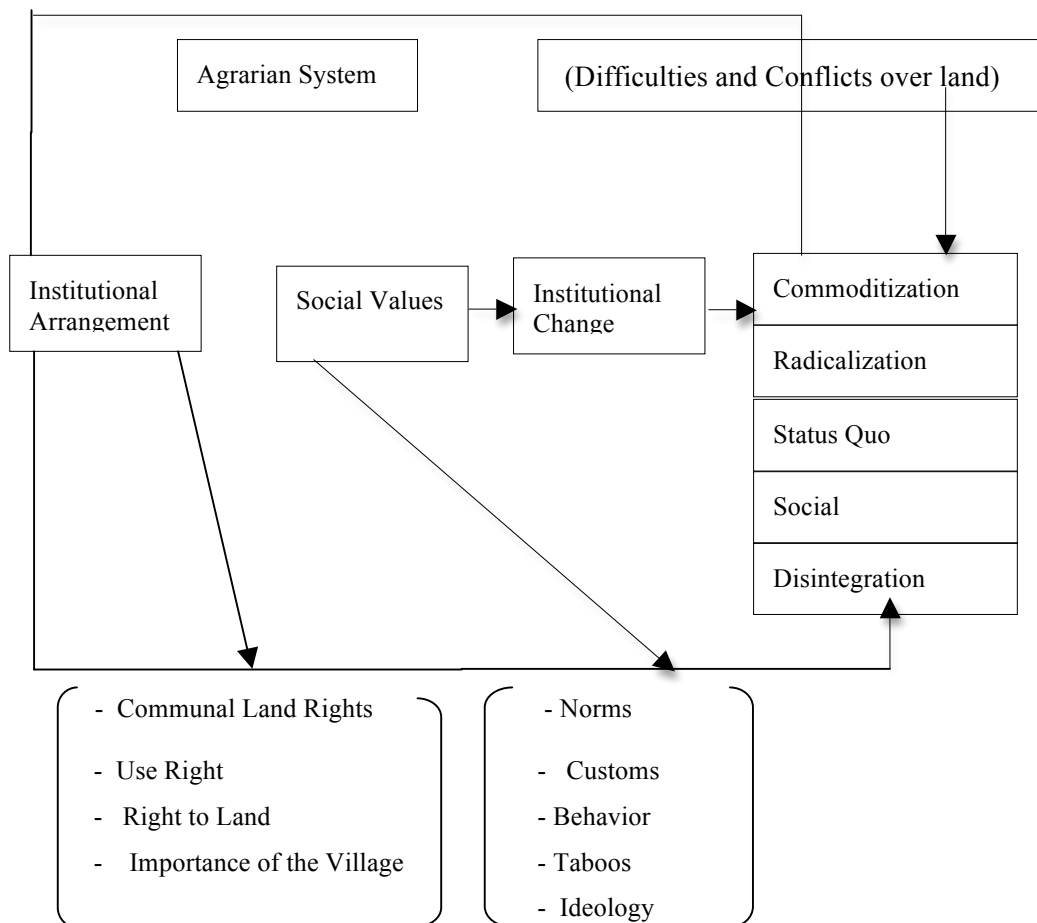


Figure 1.1: Diagrammatic Representation of Conceptual Framework

Source: Modified from William and Robert model (1984)

1.8 Theoretical Framework

Peasantry and agrarian theories, whether classical or contemporary can be categorized as critical and practical theories. Critical theories attempt to study and

understand the world and its inner process of development, while practical theories involve studying how to change the world and they entail the relationship of theory to practice. This study extensively covers range of theories on the peasantry and the agrarian issues or question. Detailed examination of theories will be informed by the validity or invalidity of these theories in explaining the agrarian issue as related to the level of production relations. The rationale for doing this derives from the expectation that theories should serve as illuminator of social problems, phenomena or events.

Many theories have been developed on issues related to institutional change with regard to the institutional arrangements in governance of agrarian systems. While I am not ignoring the contribution made by all these theories in my study, I intended to use the theory adapted by (Robert and William, 1984). The theory that adheres to economy approach which is indeed providing the practical approach to the analysis of agrarian society, In view of (Robert and William, 1984), peasant economy system is the one that has superimposed on natural economy or traditional economy and hence forth the production relations have in fact changed drastically to satisfy the inclinations or needs of the colonial, neocolonial hegemonies at all times and the people are practically placed under the yoke of perpetual exploitation through capitalist relations of production.

These indigenous or traditional communities witnessed drastic changes due to sporadic evolution of Institutional arrangements as the results of the capitalist penetration into our societies. This contact necessitated the speed of transformation of these traditional Institutional arrangements. The changes were ranging from

political economic and social conditions. All these formulated new relations of production, noted/known as peasant economy relations of production: - that were mixed with new capitalist relations of production. Many changes were marked along land (Kenpost, 1972). Owing to increasing scarcity of land, land resources were increasingly accessed through sales.

Land had been turned into a commodity along commodization. The trend of political situation also changed very substantially, bringing about major changes in land rights whereby, intruders, migrants, merchants were able to secure claims to land. Formally land was claimed by indigenous communities. Now land rights made land to belong to one who cultivates it or who has secured title or who has paid fees for the piece of land. These changes caused local – indigenous people to have a lot of disputes with intruders, migrants, rich people who owned land through buying the traditional land. There arose disputes with elders. This trend has marked the beginning of an exceptional phase where a series of changes were made by the ruling hegemonies in power just to handle the changes, attempts of reviewing rules, regulations or law were often embarked, reforms, and all types of adjustments are being attempted by Independent governments. It is along, such a duration that the land users/ land occupiers have fallen victims of these changes.

This theory of (William and Robert, 1984) has exposed the origins of all these controversial issues that have affected these land users negatively to have been linked to capitalistic – penetration. This is a result of colonial as well as neocolonial legacy, (Moyo, 2008). The theory suggests for a solution of all these anomalies that could be rectified by adopting techniques of the Cultural Revolution. It is under such

guidelines we need to learn from successful revolutions ever carried out in particular countries such as Southern Korea, China, Russia and Iran. We are therefore bound to learn from those victorious agrarian transformations – mentioned in the following sections.

1.8.1 Evolutionary Theory

Evolutionary theory of land rights (ELTR) is that under joint impact of increasing population and market integration, land rights spontaneously evolve towards rising individualization and that this evolution eventually leads rights holders to press for creation of formalized private property rights (Platteau, 2000). The policy implication is that states need to implement, ELTR, when land so scarce as to make it source of acute competition. It is argued by Platteau, *opcit*, that most of beneficial effects usually ascribed to this (for example greater security) are grossly over – estimated and that, given its high cost, generally advisable to look for more appropriate solutions that rely on existing informal mechanisms at community level. This was accepted by Bruce, at land Tenure centre (1993): he contended that indigenous land tenure arrangements still have a dominant role to play. ELTR makes two essential points: - Land Arrangements and practices are evolving autonomously under pressure of growing land scarcity and significant shifts which take place and geared towards individualization of tenure rights and transferability of land.

On performing land rights in sub- Saharan Africa, where Tanzania is inclusive, in relation to efficiency and equity, (Platteau, 2000) argued that privatization provides incentives for Agricultural investment, given farmers access to credit, reduce

fragmentation of land holding and reduces conflict over land. In fact, such benefits rarely realized (Senga, Maghimbi, Lokina, 2011). They have clarified that land registration commonly increases uncertainty and conflict over land rights especially for groups that had non- formal access to natural resources, elites are able to benefit disproportionately and credit generated is seldom used for productive investment (Adebayor, 1997).

On the reverse, land laws passed by many African countries and Tanzania inclusive, are said to have been influenced by ELTR; as a result, these countries are also said to be on contrary, ambivalent, inconsistent, confusing and in applicable and being badly implemented due to bureaucratic complexity of transaction – costs and efficiency losses, which have controlled land market transactions likely to have detrimental effects on equity and efficiency as far as land users are concerned (Kauzen, 1995).

It is also argued by Kauzen, opcit, that land resources management in Tanzania are controlled by the state where land resources policies and laws pose a problem in ensuring equitable access to land users.(Kauzen,1995). It can be argued that some policies or Acts could be referred as a case in point to clarify this controversial circumstances due to the influence of ELTR or controversial laws or Acts:-

The first case could be identified as that Agricultural sector Development strategy of 2001. It recognizes the need to institutionalize community participation rather than one of event; Further more this strategy recommends streamlining procedures for gaining legal access to land in order to make it possible to use land titles as to collateral for loans. The implication of this strategy is the increase of use of land

alienation from local communities and this has increased potential disputes / conflicts among various resources users including pastoralists and farmers (Oxfam, 2008).

In a series controversial circumstances caused by the declared policies/Acts./ Laws, the second case is, the environmental management Act of 2004. The objective of environmental management Act of 2004 is to promote the enhancement protection conservation and management of environment. It has identified a number of areas as sensitive and closed for livestock- keeping, occupation and cultivation. The Act is not clear on measures to be taken in supporting and preserving mobile pastured system to help in conservation of land resources and particularly natural resources and cultural heritage.

The wildlife conservation Act of number 12 of 1974 (amended in 1978) grants power to government to dispose pastoralists those who had traditionally relied on such lands, either by way of compensation or otherwise. Furthermore the Act places severe restrictions on accessing land declared a game reserves or game controlled area. Most of the protected areas in the country are either pastured lands or were used by pastoralists in the past.

The wild life management policy of 1998, while promoting local community participation, conserving and exploiting wild life resources also facilitates the marginalization of pastoralists by encouraging more land to be brought under wild life conservation at the expenses of the pastoral activities (Bernstein, 2005). Another Act of 1997, namely Tanzania investment Act, (URT, 1997) does allow non citizens

to own land for the purpose of investment. Its enactment was followed by setting aside land bank under TIC. This in effect will take away land already occupied by people such as nomadic – pastoralists and other vulnerable communities.

As a clear observation here it has been stressed that the contemporary Institutional arrangements governing land resources have come with challenges as well as opportunities for a few or limited number of land users and limited number of pastoralists as related to sustainable production system. The results of all these, it has ended up in increased commodization of land that led to expropriation of the commercial grazing land and agricultural land to individuals with the subsequent partitioning of range lands. The most vulnerable and poor members of the communities are losing access of livelihood support system, which were owned communally. Again the pastoral systems are increasing getting commercialized. In fact, immerging opportunities are upon the changing tenure system. The previously communally owned range land are now willing to be influenced by intensification through introduction of technologies for increased range and animal productivity, while sustaining the environmental health.

1.9 Significance of the Study

- (i) The study is very significant because the findings will benefit to the advocacy groups.
- (ii) The findings will provide baseline information needed for awareness rising on influencing the change of policy that will be suppressing the small holder peasants / farmers.

- (iii) To policy makers, the findings will enable easy identification of priority areas in designing programme and policies that address the problem of land use issues in the country. The study findings will also be useful to students, researchers, professionals and other people who will be interested in the area of study.

CHAPTER TWO

LITERATURE REVIEW

2.1 Overview

In this chapter, reviews on the existing literature on institutional arrangements governing agrarian systems was presented. The goal is to understand what others have done on this study, as well as an examination of similar experiences that policy makers and other stakeholders can learn from. The literature review covers both a theoretical and empirical perspectives. A theoretical synopsis included the theory behind the concepts on institutions, land tenure, agrarian systems, land governance and administration was presented. The review included a section on empirical literature; it combined all similar researches done in the field of land administration; particularly from practical experiences of other regions in this world. Finally, policy review was given ending with knowledge gap.

2.2 Concepts and Definitions

2.2.1 The Definition and Nature of Institutions

While Institutions tend to appear to people in society as part of the natural, unchanging landscape of their lives, study of institutions by the social science tends to reveal the nature of institutions as social construction, artifacts of a particular time, culture and society, produced by collective human choice, though not directly by individual intention, (Jepperson, 1991). Institutions can be seen as “naturally” arising from, and conforming to, human nature a fundamentally conservative view as institutions can be seen as artificial, almost accidental, and in need of architectural redesign, informed by expert social analysis to better serve human need (Avner,

1993). The Marxist view does see human nature as historically evolving towards voluntary social cooperation, shared by some anarchists, is that supra- individual institutions such as the market and the state are in compatible with individual liberty which would obtain in a truly free society, (Chang, 2007). Economics, in recent years, has used game theory to study institutions from two perspectives. Firstly, how do institutions survive and evolve?

In this perspective, institutions arise from nash equilibria of games, for example whenever people pass each other in a corridor or thoroughfare, there is need for customs which avoid collisions. Such a custom might call for each party to keep to their own right (or left) such a choice is arbitrary, it is only necessary that the choice be uniform and consistent. Such customs may be supposed to be origin of rules, such as to rule, adopted in many countries which require driving automobiles on the right side of road (North, 1995).

2.2.2 Enforcement as Critical Aspects of Institutions

In the absence of enforcement rules the institutions are senile and redundant. Enforcement simply means putting the constraints into operation, or dealing with deviations from the constraints. Creating an institutional environment that induced credible commitment entails the complex institutional framework of formal rules, informal constraints and enforcement that together make possible low cost transacting. Formal enforcement is normally expensive venture and may be uneconomical altogether for instance, if the cost of enforcing a given by laws is higher than the cost of expected loss. Therefore, enforcement remains a costly venture. North (1990) argues that in developed world, the effective, judicial system

which includes well specified body of law and agents such as lawyers, arbitrators, mediators would play the role with some confidence, that the merit of a case rather than private pay- off will influence outcomes.

Formal and informal institution can contribute/ complement one another in their enforcement. North (1990) and Wilson (2003) argue that formal rules can complement and increase the effectiveness of informal constraints more efficient. While coexistence of formal and informal institutions is inevitable; situation where informal rules tend to contradict formal rules is dysfunctional. Here it is possible that due to lack of proper enforcement or due to disregard towards the spirit of the written laws; they become ineffective and are replaced by a set of practices that show a divergence form the declared laws; rules and regulations. These are what both North (1986, 2000) and Ostrom (1992) refer to as rule in use.

2.2.3 Concept of Agrarian System

An agrarian system is the dynamic set of economic and technological factors that affect agricultural practices. It is premised on the idea that different systems have developed depending on the natural and social conditions specific to a particular region. The term agrarian structure denotes all of the existing and lasting production and living conditions found in a rural region. The agrarian structure includes the system of land tenure and the system of land management (technical and economic agrarian structure). (<http://www.professor-frithjof-kuhnert.de>, 2018).

An agrarian society, or agricultural society, is any community whose economy is based on producing and maintaining crops and farmland. Its key characteristic is that

the economy, wealth and society in general is centered primarily on agriculture. Human and animal labor is the primary tools employed for agricultural production. Agrarian societies employ a division of labor with members specializing in specific tasks (<http://www.professor-frithjof-kuhnert.com>, 2018).

2.2.3 Concept and Practice of Governance

Governance in the development area is a key pillar for programs seeking to promote economic and social development (World Bank 2000). Governance is a procedure through which decision is made and it is also a procedure through which decision is implemented (UNESCAP, 2007). The implementation of governance as a concept could be understood by underscoring the theoretical treatment of the term governance (Haki-elimu, 2004).

FAO (2007) elaborates governance as the traditions which cause power to occur in a particular way in which it is practiced where citizens are allowed to say or to speak their feelings and finally the making of decisions on aspects related to the entire community. It refers to rules, processes and behavior whereby interests could exist. On the same line of thinking, Hyden (2003) speaks confidently that the concept of governance captures this multi dimensional understanding and the realms, which it should be measured by civil and political society, executive, bureaucracy, economic society and judiciary. Practically, achieving good governance fosters the idea that a higher the quality of Institutions the better the results and the more sustained the progress. Infact governance refers to institutions and relations to do with political power, the way power is exercised and legitimized.

In other words governance is constructed primarily on the terrain of power. This articulated the values and principles by which governance would be judged and characterized, relate the forms of governance such as democratic governance authoritarian governance or dictatorial governance (Nyong'o, 1998; Shivji, 2004).

Institutions, companies and state administrations have advanced indicators. Many of them have developed gradually from macro indicators of governance earmarked by the World Bank institute "governance matters" (Kaufman, Kraay et al 2003). The key macro governance indicators were developed as a "whole of country" context and strongly reflect measures within countries' institutional frameworks and includes: voice and accountability, political stability, government effectiveness, regulatory quality, rule of law and control of corruption.

These indicators set benchmark aggregate indicators for governance and helped to put governance on the development agenda. However, this set has been examined over the years of its inability to accurately clarify variations within countries and there have been concerns about the large margin of error associated with the governance estimates. Another crucial issue has been the way of governance has been aggregated into a single indicator (UNDP, 2004). Based on the above mentioned shortcomings UNDP (2006) noted that some governance indicators are almost marked 40 years old mean while several others are part of more recent collection effort.

There are several governance indicators such as Weberian corporate state project (1970, 1990), local competitive index (1979-2005), corruption perception Index (transparency International 1995 present); world governance assessment (1996-2000,

2001-2006; Freedom House (1972-present) Afro barometer (1999-2003) Global Corruption Barometer (Transparency International 2003 present) Global integrity index (2003-2004, 2006). Bertelsmann Transformation (index 2003-2006) (UNDP 2007), these indicators, intend to have regional or global representation and primarily cover country atmosphere of bureaucratic quality and corruption, democracy, Political freedoms, Government effectiveness and civil liberties. The use of real fundamental truth, good governance can be employed to elaborate an ideal or set of moral obligations. Governance fundamentals, some with particular linkages to land have shown difference slightly in their application across their organizations

2.3 Property Rights and Regimes

2.3.1 Property Rights

This refers to the structure of rights to resources and the rules under which those rights are exercised. Sometimes the word property rights and rules are used interchangeably in referring to utilization of natural resources (Ostrom, 1996), however it should be noted that rights are products of rules.

Property rights systems are part of society's institutions. Important operational level property rights are access and withdrawal rights. Access refer to the right to enter a defined physical area and enjoy non- subtractive benefit while withdrawal refer to the rights to obtain resources units or products of a resources and in some cases relate to what will be done with the product harvested e.g. subsistence harvesting is allowed in many cases against commercial extraction. With regards to CPR collective choice property rights include management, exclusion and alienation.

Management refers to the rights to regulate internal use pattern and transform the resource by making improvement. Exclusion refers to the rights to determine who will have access rights and how the rights may be transferred. Alienation refers to the right to sell or lease.

To be effective, property rights must be enforced by the state or other governing body NRC, 2002, (Ostrom and Schlager, 1996). The significance of well established property rights system is the security that enforced property rights given to individuals and groups. With such assurance, individuals can make credible commitment to one another to develop long – term plans for investing in and harvesting from CPR in a sustainable manner.

2.3.2 Common Property Regime

The common property regime refers to particular social arrangements regulating the preservation; maintenance and consumption of a common pool resource (Ostrom, 2002). Common property regime typically protects the core resource and allocate the fringe benefits through complex community norms of consensus decision making, (Schulze, 2000). Open access resource is considered by Bromley (1991) as a situation of resource regime. It is logically inconsistent to assert as many often do “Every day’s property is nobody’s property” Bromley, 1991).

This is a situation of mutual privilege and no right; no user has the right to preclude use by any other party. The open access regime can be divided into categories namely symmetric externality, it is where use of resource by one party impacts a negative externality to all other producers, example included fishers, wildlife, open

grazing land, ground water, unregulated wood land, forest, common oil and gas pools (Ebbin 2004). In case of asymmetric externality occurs when production or consumption decision of economic actor enter the production or utility function of others. While the recipients of the externality do not cause any reciprocal effects (Stevenson, 1991).

2.3.3 Land Tenure

Land tenure can be defined as the mode which land is held or owned or set of relationship among people concerning the use of land and its product. Property rights can similarly be defined as a recognized interest. In land or property vested in an individual or group and can apply separately to land or development or transfer and, as such exist in parallel with ownership (Mabogunje, 1990).

Rights to land property exist within a regime of rights in general. The key factor in any system of land tenure and property rights is therefore the relationship of an individual to the group; and their impact on land from this, it follows that concepts of land tenure are an expression of the values to which a society adheres or aspires. As such they vary enormously from those at one end of the spectrum, which regard land as a sacred trust to be protected for future generation to those at other end, which regard it as commodity to be enjoyed or exploited like any other. Tribal, feudal, colonial, capitalist, socialist and religious societies have all evolved distinctive concepts concerning the ownership and use of land. Countries, which have been subjected to colonialism like Tanzania, have particularly complex tenure arrangements since indigenous and imposed tenure patterns may exist at the same

time in the same area. Given this variety it is important to review the main concepts and systems, which exist in developing countries, like Tanzania and their operation

2.3.4 Land Tenure Institutions

In the period of neo liberalism, Tanzania has witnessed more changes (Harvey 2003). Thus the pattern of transactions in land and labor needs was understood in the light of strategies being pursued by different actors and various options open to them. For example the lack of easy means to attain credit has engendered the gradual development of a set of relationships between people with different needs and resources at their disposal.

These with ready access to cash can overtime gradually increase a substantial holding in land (ibid). This process of acquiring land through money transactions at this material time was referred to by Harvey (op. cit., 2003) as gradually increase by depriving land or property. It was done by involving violence in the process of seeking to exploit others where by the investors were supported by rich states. They spread their influence and their strategies of depriving land or property from the original people, essentially farmers and livestock keepers.

Under such circumstances people subjected to such infamous treatment were forced to turn to the selling of their labour power, in order to sustain. They form an army of unemployed people, who are selling their labour very cheaply to the organized rich people and on the other hand the rich people got / obtained cheap labour and acquisition of land (Kombe and Wilbard, 2010). Accordingly Harvey, (2005) has compared the former capital maximization ever explained by Lenin' thesis over capital maximization which was elaborated by Luxemburg (1951 – 1973). Here are

two types of capital maximization: One type of maximization is seen along primitive accumulation, which was carried out during emerging of capitalism as a mode of production. Then we see capital maximization in our modern time that is capital maximization along the building up capital by depriving the land of indigenous people as well as their property continued to operate throughout the history capitalist accumulation on world scale. Along the building up of capital by depriving the land of indigenous people as well as their properties continued to operate throughout the history of capitalist accumulation on a world scale. At this point, Shivji states that Harvey examines how organic relations between expanded reproduction on one hand and the often violent processes of the dispossession on other land, have shaped the historical geography of capitalism (Shivji, 2009).

2.3.4.1 Customary Land Tenure

According to Fisher (1993), customary tenure system have been defined by the united nations as the rights to use or to dispose of use rights over land which rest neither on the exercise by brute force nor on the evidence of rights guaranteed by the government statute but on the fact that those rights are recognized as legitimate by the community, the rules governing the acquisition and transmission of these rights being usually explicit and generally known though not normal recorded in writing.

As Fisher has noted, the major characteristic of customary tenure is that the land is regarded as belonging not to the individual but to the whole social group. Customary land is not subject to personal ownership, although use-rights are alienable within and between members of the community. There is a birth right no subsistence opportunity for each family head; each family is granted use-rights of habitation and

cultivation according to their need. He continues, these characteristics shape not only the relationship between the community and its land but also between the individual members of the community. Security of tenure and of subsistence opportunity arises out of kinship with and members of the community group. Land is a societal resource, it is through his/her relationship with the land that the individual perceive a sense of place and of personality, Mabogunje (1990). A late Ghanaian Chief encapsulated the essence of customary tenure by claiming that “I conceive that land belongs to a vat family of whom are dead, few are living and countless hosts are still unborn” (Ollennu, 1961) under customary land system, there is an individual right of occupation and use, but only a communal right of alienation. Several groups could enjoy different rights to the same land, such as rights of occupation, grazing or passage in addition to the group claiming primary rights. The extensive nature of customary system did not prevent individual allocation of customary.

Customary tenure concepts have evolved from the needs of agricultural societies and are generally, based on the notion that land initially, belonged to the person who cleared it. Given its relative abundance and the practice of shifting cultivation, land had virtually to no economic value, so the need to retain or develop any system of rights to a particular area of land that could not be protected was both unnecessary and illogical, when land was abundant (Cotula, 2007) Customary right derived from membership in the political community and traditionally, no cash payment was made for the land.

Instead a token payment, sometimes referred to as “Cattle, money” was expected for the services rendered. These customary systems fuse the right of the individual with

those of the group and individuals possess extensive rights, but land as such (Kludze 1983). Ownership in these cases is therefore corporate rather than proprietary. To some extent, this acts as a constraint to these desiring social mobility (UN 1973, VOL. VII) by making more difficult for individuals to obtain, loans for economic development since they are generally unable to use land as collateral for such loans. In fact customary systems have been successful in ensuring the equitable distribution of land and reasonably efficient in stimulating productivity it is evidenced by social change and demand for land (Feder, and Noronha, 1987). In many cases, under other tenure systems, such as private freehold, legal status of the customary holdings may also become ambiguous or even subordinate, reflecting changes of influence in the wider legal and institutional environment.

2.3.4.2 Private Land Tenure

The concept of private property rights is an integral part of the legal structure of European society (United Nations 1973). It is held to have arisen in opposition to the rules of feudal society, where a local lord had superior rights of ownership, especially land ownership and all tenants in the area paid him “feuds” or fees.

The concept of private ownership is embodied in English common law, but is expressed in its purist form in the French civil code of 1804-8, which was drafted after the revolution of 1789, finally overthrew feudalism. It is commonly known as the Napoleonic code, since it was imposed on countries which Napoleon’s and later French Government colonized or influenced. The code defines ownership as the rights to absolutely free enjoyment and disposal of objects, provided that they are not in any way contrary to the laws or regulations. Private ownership may be in

perpetuity. In the latter case, terms and conditions of renewal may be based on either statutory or contractual considerations.

Within developing countries like Tanzania, Private land ownership and the registration of individual property rights is largely an imported concept and was introduced or strengthened by colonial administrations for the benefit of European settlers (Mabogunje 1990). It may therefore co-exist with other concepts such as customary tenure. Private land ownership permits the unrestricted exchange of land and property and the development of land and property markets in which the balance between supply and demand is achieved through the pricing mechanism; however, a common issue of concern, with this concept is its inability to ensure equitable access to land or property by lower income groups.

2.3.5 Evolution of Land Tenure Regimes in Tanzania

Tanzania has witnessed the four types of land tenure namely clan and lineage land tenure whereby the land allocation and control were handled by family or lineage; the centralized and hierarchical type of control of land allocation, the quasi type of land tenure where the land lord clans and the lineage controlled land. Lastly, the slave plantation that existed in Zanzibar and on scattered places located on mainland (Maghimbi, 1990) this has been marked to be the Tanzanians precolonial Land Tenure Systems.

The conceptual base of the tenure system in Tanzania was laid down by the British in their Land Ordinance, (1923) as mentioned in chapter one. During the British period, the land tenure policy was influenced by two major factors. First, that Tanganyika was a Mandate and then a Trust Territory. The other factor was the colonial policy of

developing Tanganyika as a plantation / peasant economy rather than a settler colony. Under the terms of the trusteeship, the interests of the “natives” were paramount and the administering authority was required to pay special regard to native laws and customs with respect to the occupation and use of land (Coulson, 1996; URT, 1989).

The Land Ordinance declared all lands, occupied or unoccupied to be “public lands” under the control and subject to the disposition of the governor. The governor was empowered to grant rights of occupancy of up to 99 years. The right of occupancy was defined as the right to use, occupy land including the title of a nature or a native community lawfully using or occupying land in accordance with native law and custom. The legal regime thus established gave the colonial state considerable flexibility in their administration of land. Land alienated to foreigners for various reasons was under the granted rights of occupancy. Indigeneous peasants and pastoral communities held their land under customary laws; which were recognized by law but not secured in law. Their security depended on the prevailing policy of the state at the particular time. As a matter of fact, judicial interpretation classified customary occupation by “natives” as merely “permissive” which did not establish any rights against the government (Juma, 2000).

The corpus of land tenure regime developed during the colonial period continued to apply fully after independence with only one change; the president replaced the “Governor” All lands were vested in the president as the head of executive under the control and administration of the state bureaucracy (Shivji and Tenga, 1985). It can be argued now that non of the four earlier mentioned tenure system could be

compared to the contemporary land tenure whereby land users are owning small portions of farms basically earmarked in the late 1960's and as early as 1970's when the policy of ujamaa and self reliance was at its peak under the cover of socialism. There is a remarkable parceling of farmland as opposed in the four tenure systems described above. The actual agriculture regained, marked as customary or traditional (Plateau 1998).

It has been concluded that the source of poverty margins and shortage of capital among farmers in Tanzania is caused by land ownership system which has pushed farmers to have small but less economical plots of lands. This status of farmers in Tanzania cannot qualify to opt for opportunities offered by the banks, farmers to secure development loans from those institutions. Over and above, these land users especially farmers and pastoralists face an aspect of land shortage and the habit of land destruction which belonged to the society. The steps to rectify the situation that faced land users in Tanzania is centred ongoing reforms linked to land. Infact acknowledgement of taking land so as to alleviate these farmers, a land cannot be pledged as security for payment of loans. Infact the sale of land by these land users does not help either to bring up reasonable capital. Practically these farmers are unmotivated by two factors namely, to raise capital at family level and artificial land shortage plus unpromising land laws that encourage the destruction of resources that belong to the society.

The ongoing campaign is centred on concept of promoting land as something to be pledged as security for the payment of loan. An appreciating land as something to be

pledged as security for payment of loan has been noted as a technique in the Tanzanian National Program for Economic Growth and Eradication of Poverty (MKUKUTA). The origin of this idea is from Hernando De Soto, in his famous book, which for the time serves as the country's economic manifesto. Desoto asks why capitalism triumphs in the west and fails everywhere (Soto, 2000).

The above mentioned program was to carry out legally appreciated and operating entities within the formal economy in the country. The ammendments have set on gradual development in existing land tenure and its framework. These changes were earmarked in the land law 1989 by 2001 and 2002 that re activated the market in land so that citizens were free to sell land that they can not develop to those with ready requisite capacities (Kamata, 2003; Shivji, 2003). Poor farmers were encouraged to capitalize their assets and hence to do away with poverty. It is from the philosophy of the program of formalization of the property rights, which was geared at making farmers usefully in securing the needed loans in their aspiration to generate capital. On the contrary it was argued negatively by Olenesha (2006) that if one defaults a loan payment the consequent prospect of merciless and irrevocable for the clousure, instead formalization of property can also mean as to lead to formalization for dispossession and its concomitent to destitution and marginalization of these land users or farmers.

The contention from Desoto's philosophical logic stressed on saying that land and other property owned and held under customary law do not belong to anyone and therefore those items are not property in the strict sense. Thus they cannot be used productively to generate extra capital. Infact Desoto overlooked this basic factor

where there is possibility that a household could use land more efficiently for farming and livestock and henceforth be able to create even more capital without risking or losing the land through defaulting. It is hereby noted that small producers need security of their land and not alien capital what is created from it. To these small holder producers, land is the basic and reliable asset they need for their livelihood and henceforth need protection for their survival (Adebayor, 1997).

2.3 Indigenous Land Tenure systems in Muleba and Missenyi Districts

The term ownership is used; it implies “Usufructory title nearly amounting to full ownership”. There were several land tenures; a scholarly clarification has been done by (Cory and Hartnoll, 1945). The major land patterns have been elaborated as follows:

Public Tenure, (Irungu) this name is given to that part of public land, which is unoccupied. Whenever anybody wants land from the public land / forest was required to pay the fee, amounting to shs. 5/=. The fee is paid to the native authority. The institution of the payment of that part of public Tenure (Kishembe) is very old. In former times, it was paid in kind.

Individual Tenure, (A Kisi) this name is given to such arable land as is capable of bearing a perennial crop. Same as above this individual tenure was acquired only on payment of shs. 5/= to the native authority. The procedure for allocation, a prospective settler who is a stranger, has first to find the sponsor, called “Muhikya” who collects as much information as possible about the new comer. The sponsor must be a man of outstanding status in the village the prospective settler may be

introduced to his sponsor by another villager to whom he is known. While the sponsor is collecting his information, which takes time, the settler chooses the plot, he will apply for. When the sponsor is satisfied, he introduces the new comer to the village headman, with a request that he will inform the sub – chief (Mwami) of the application for land. If the sub – chief approves, he appoints an elder, who is known to go to the village.

On the appointed day, the ward leader (Mkungu), then the applicant for land and neighbors assembles at the chosen plot. It is customary also to call the clan – head of the leading clan and the man responsible for setting boundaries “Muharambwa” as witnesses. The boundaries are fixed by planting a tree every twenty five feet along the plot. Mulinzi or Muvumbo tree may be used.

Finally the applicant goes to the primary court (Gombolola) to pay his fee for that allocated plot. Besides this form of boundary/ demarcation, another method was used in former times where land was abundant. The plot was allocated not by marking out definite boundaries but by pointing out prominent land – marks. Thus a man was told that his plot extended as far as the river or as far as the forest.

The owner’s rights and duties were (1) the applicant becomes the owner so long as he complies with the rules of his tenure as guided by the Bahaya customary land law. (2) On applying for allocation of arable land, applicant is asked what he intends to do with that plot. If he states that he intends to cultivate it, he is bound to do so. (3)

Should he not cultivate it within two years and if he has no reasonable excuse for not having done so he may be deprived of it.

Within individual Tenure: There were open lands for this individual farmer/ householder. This particular open land was known as “Rweya Rwa Nanka”. This name is given to open – land, away from cultivated areas, which is unsuitable for perennial crops e.g. coffee, banana. Along this holding (Kibanja), There could be a land known as “Mwate”. This Mwate is a piece of land, which is normally acquired by anybody after being allocated from the chief on payment to Native Authority of shs. 5/= for a plantation. This “Mwate” is acquired through purchase or by inheritance.

Kikamba: This is also a piece of land, which had been under perennial crop but it has allowed going back to grass.

The third Tenure is known as Nyarubanja- Tenure. This name is given to a group of plantations, owned by one individual/ Landlord who is known as Mtwazi, The tenants is known as “Mtwarwa”.

The fourth Tenure is called Family Tenure, “Kibanja kio ruganda”. This is plantation under family tenure. It is always acquired by inheritance only.

The fifth tenure is called Communal Tenure “Rweya Rwaluganda”. This name is given to open land owned by the community under the clan, where people do plant seasonal crops.

Besides the above mentioned tenures there land was also divided to others sections such as; Public forests (Kibira kya Nanka). Clan owned forests (Kibire kio Luganda). From the above categories into how land was divided as guided by the customary land law of the Bahaya people, it is clearly shown that local and indigenous institutional arrangements provided chance for every member of the community to acquire land for cultivation and very strict procedures were adhered whenever a new settler wanted land. The clan administration was very keen in providing land to such new comer. The official system of giving land to any member was through official allocation – procedures. This helped to monitor land utility and to see to it that working on land was very necessary and any failure to comply to community land rights and rules was accordingly punished. Nobody was spared unless ones give sound reasons for not working on his plot.

It was through, this practical and clear institutional arrangements the land governance was highly practiced. The customary land law articulated – community land rights and regulations in handling land use ownership and land transfer just accordingly. The people in power translated that customary land law accordingly by following official allocation procedure of giving applied plot. Then the applicant was to work on that plot as he has declared to do with that plot. Therefore, the aspect of every member in the community was accountable to handle is plot as how he has declared to do with his plot. The applicant is in state of secure with his plot, provide he observes given land rights as well as regulation. The total of all these activities mobilized entire community members to make use of land hence forth realization of worthwhile products.

Finally the Bahaya customary land law has provided a chance even to the lowest cadre to make use of land, for example the squatters and tenants. The tenant is a man who is under the householder. He is given land by owner of the holder. He is requested to observe the community's rules and regulation as given by the customary land law.

The squatter is known as "Biteme" squatter. The origin of Biteme squatter is said to be as follows:- About 50 years ago when coffee and banana recognized as economic crop, the chiefs took over large area of land capable of coffee bearing or deserted banana plantations and put them under coffee. The work of preparing and plantations these areas, was done as "Nzika" forced labor by the chiefs subjects.

Owing to the belief that a plantation must inhabited to prosper squatters were encouraged to live in these plantations which were known as "Biteme". The terms of squatter varied but in the main followed the ordinary squatter rules. Thus the only real difference lies in the origin of the holding. The "Biteme squatters" originally had the use of banana or seasonal crop in their holding but received none or only a very small share in the coffee harvest.

The entire account has exposed an expression of the general regard to human being, I just mean that the Agrarian system in the study area used to be too humanistic by giving reasonable opportunity for every member of the community to survive on land / make use of land through land use – land ownership, land transfer, through the Administration style that was really hierarchical in terms. Today we find much

difference as to how land is being controlled owned, and the dynamics of land use are totally different. We can deliberately ask our self why those indigenous institutional arrangements have changed.

2.4 Agrarian Systems

Agrarian sytems are societies that are organized on the basis of segmentary lineages which were found mainly in areas of land shortages; where as agrarian systems organized on the basis of territoriality, define chiefdoms and the communities with political hierarchies were found where land was relatively abundant (Shipton 1984). Since the publication of Fortes and Evans Pritchard's African political systems the anthropological and sociological literature on sub Saharan Africa has become well supplied with comparative typologies of indigenous forms of agrarian, social and political organization as elaborated by Middleton and Tait (1958), Fried (1967), Colson (1969), Horton (1971) and Sanson (1974) are only few examples.

Inspite of this valuable work, relatively little has been done to account for the distribution of the type of agrarian systems that are now very familiar. Part of the problem has been the difficulty of translating statistics on absolute population densities and distribution along with findings on agricultural techniques and the carrying capacities of lands into information about population pressure. Agrarian systems inEast Africa, it is argued that segmentary lineage systems of political organisations and land tenure were mostly commonly found in areas with relatively high population pressure, in this case, the term pressure is used in the sense of land scarcity as reflected in the difficulty of obtaining new land for an expanding farm or new homestead.

Agrarian system in Africa have been grouped under two patterns namely strong and localized based chiefdoms and village systems of land rights and related aspects in the case of Tanzanian Sukuma and Nyamwezi as example and strongly descent based segmented lineage systems using the case of Kenyan Luo, (Shipton 1994). The forms of land rights and related beliefs found among the sukuma, Nyamwezi were in the most respect the same as those found among the Ha and He and several smaller societies such as Kimbu, Nyiha. The Gogo also had locally based agrarian systems of access to agricultural land that bore strong resemblences like that of Sukuma, Nyamwezi as Dobson has observed 1984 and Rigby 1969.

In the task of accounting for the distribution of the locality based and descent based systems of political organization and land rights has found among many farming people of east Africa. These people live in Savana or lightly wooded hills eco-systems. Under the German and the British rule in Tanganyika many changes were imposed on these systems from outside as well as from within. These variably included redefinition of some ethnic groups in the investiture of chiefs in places where there had been none before the codification of customary laws, registration of private land titles.

The distinctive features of the peasant economy model are understood within the framework of the penetration of capitalism into precapitalist social formation. Within such a framework the state especially the colonial state is not a neutral agency. Indeed as Halfon and Baker, (1984) have remarked the role of the colonial state was to reconcile the indigenous people of sub Saharan Africa to the interest of metropolitan companies and with regard to indigenous people themselves.

This process created some basic changes such as the pattern of Agrarian response was thus reinforced by the state action through enactment of rules, policies and related institutions. Yet the outcome of rules and policies and other legal institutions create emergency of individualization and communization of land holding with consequent potential for alienations. The peasants found themselves disproportionate share of various amenities Oya, (2013). Peasants found themselves with diminishing access to resources and income, land expropriation and reduction to the status of landless peasants. At the end emergency of rich peasants who were characterized as (progressive farmers) a class system of capitalist farmers and semi proletarianized peasants. The issue of land ownership differences are established into various ways, for example, officials take advantage of their position or where individuals gain control over larger amount of more fertile land due to the history of their kin group's land occupation. Owing to that trend, the land differential emerges, then demand for availability of financial capital influences and private class formation. Farms based on wage labour rapidly emerge (Ibid 2013). The change in production technique in most communities are laying of foundation for class antagonism and rewarding production from the agrarian rural areas Mafeje, (2003).

2.4.1 Agrarian Transformation

Agrarian transformation or agrarian reforms are measures introduced by the state to change Agrarian relations and forms of land ownership. The class content of agrarian reforms is totally determined by the Country's social system and its form of Government. In capitalist countries the reforms are turned against the remnants of

feudalism, which obstruct the advance of capitalism in Agriculture. The agrarian reforms introduced in the socialist- Countries were part of the revolutionary transformation of the society (Dictionary of Political economy, 1985:13) Callaghy (1993) has viewed the aspects of peasantry and agrarian theories under two dimensions namely critical and practical theories. He argued that, critical theories try to underscore the world and its inner process of development where as practical theories indulge in learning how to change the world and it involves the relationship of the theory to practice.

While debating on capitalist development, these Marxist theorists stressed most on the agrarian question. Under this discussion these Marxists central issue is on a political question of economic aspects; where from it was formulated a question as to whether peasants were posing as allies of the societies adherents in the struggle to build a socialist state or were these peasants semi revolutionalists or concrete revolutionary force? (Stalin, 1954) Having learnt from (Stalin 1954) in view of Karl Marx's theory (1860) deliberations on the growing of capitalist mode of production that depended on the deprivation of land as well as property of the feudal lords that subjected producers to proletarianization.

Both Marx and Lenin had earlier spoken that these peasant- producers might also sustain the continued dominance of land lord-classes. It remains true that Marx did not think peasant farming could survive in the long term. He assumed that as commodity production and merchant user's capital tightened its grip on the country side the peasantry would be regressively squeezed until they were forced into the

ranks of proletariats (Stalin, 1954) Karl Kausky (1899-1956) concluded that what was rather important in the whole analysis of peasantry and peasantry economy was basically differentiation centred on capital accumulation.

Practically there were no intensification of differentiation in Tanzania within the Peasantry section and therefore peasantry formed a highly exploited class whose status quo confirmed on what Luxemburg claimed (1913-1951) and she argued that apart from the profits earned on capital, actually invested in the new territories, great capital gains were accrued by acquiring land and other natural resources.

The fundamental challenge to Lenin was given by Chayanov (1818-1939) on issues pertaining to the peasants and agrarian questions. Chayanov (1966) showed that the agricultural statistics used by Lenin did not verify irreversible capitalist class polarization and he added up that the peasantry could play a significant part in the future socialist society supposedly being built in the Soviet Union; his disagreement with Lenin created an important political complications precisely because he spoke that peasants should be helped to prosper and modernize them as individual family farmers through the establishment of cooperative and should not be seen as the class enemies of the Russian proletariats.

In view of the fundamental principle of Chayanov's understanding, the peasant economy was the balance between the household member as a laborer and as a customer, Peasant households and their member could either increase the number of households, they worked or work more intensively or sometimes both. The calculation made by households whether to work more or not was subjective and

how much was desired for investment to increase the family's production was potential.

Chayanor through his ideas gave rise to what can be termed ‘‘a theory demographic differentiation’’ (1966:100-125) Analyzing, Chayanor's arguments, one can notice his position that small scale production in household units can survive under capitalist development and this it is also possible to integrate household producers into economic structures other than capitalist ones, for example cooperative. In same ways Chayanor's views can be applied to Tanzania, although one needs to be careful with the way he differentiates economic structures from capitalist one. Several academicians in Tanzania, based on the Marxian tradition, on the agrarian question and peasantry (including Shivji), have reiterated that following the colonial heritage, the drawing off the surplus from peasantry will have an effect of preventing agrarian capitalist from developing. Thus the upper levels of the peasantry could be expected to move into commercial and merchant activities rather than became capitalist farmers. They see recent ‘‘economic’’ changes as leading to a classical, colonial agrarian economy rather than agrarian capitalism. And therefore advocate a nationally integrated economy with an emphasis on internal consumption and on democratic cooperative peasant organization that control both production and marketing (Shivji, 1985).

Shanin (1971) is another theorist who put forth an argument that the pre and post revolutionary Russian – peasants households typically had very limited resources of land, labor and farm equipments and even more limited money savings and access to credit. According to Shanin (1971), Russian climatic conditions made harvests very

variable from year to year and market prices for peasants' grain fluctuated widely; for him, various policies that Tsarist and the early Bolshovik state adopted to promote Russian industrialization had a very damaging effect on peasant incomes, because they led to price rises for commodities of the Russian peasants. Commodities were bought on the market without a corresponding increase in the price of grain; they sold to raise cash (ibid).

Shanin, deliberate that the effect of all the problems facing peasant farmers was to make individual family farms very vulnerable to crisis. It was largely a matter of luck if an individual middle peasant family prospered and become a Kulak household or a poor family made it into the middle peasantry. Furthermore a family's luck might change and even rich-peasant household would have large number of children so that the family capital would have to be divided among the next generation. Rich families tended to move downwards too (Shanin, 1971). So tendencies towards class polarization were offset by these multi-directional cyclical tendencies, these movements were up and down. In the end-class polarization was limited by the fragility of the Russian peasant-economy that is the unfavorable conditions facing all peasant-producers (ibid).

Thus, Shanin arguments rest on his belief that it was most really possible for peasants to succeed in sustaining accumulation of capital in the long term. Nevertheless, he does not reject the idea that Kulaks were trying to accumulate wealth. He contended that in Russia, it was certainly true that there were rich peasants and poor peasants: The controversy was simply about whether the existence of difference in wealth within peasants-communities was the inevitable basis for a

longer term emergency of middle peasants. Shanin (1971) concluded that, most of rich peasant families tended to suffer a decline in economic fortunes in the fullness of time, while the poor peasant-households tended to recover the position and become middle peasant again (op. cit.).

2.5 Experiences of Agrarian Transformation

The mechanism through which agriculture development contributes to industrialization formulates appropriate linkage between the transition to capitalism and agriculture. The transition to capitalist agriculture and industry are completed when agrarian transformation of capital is resolved, (Bernstein 1996). Infact as provided by historical records of the world the process through which transition takes place, we were informed that there is no just one pathways underwhich transition takes place, ranging from its character, outcomes where the class relations and the struggle rely on; the strength of competing interests of landed property plus agrarian capital; agricultural labor appear in a variety of forms including tenants and peasants as well as ermerging industrial capital.

Over and above, the responsible Government policies and process of interferences again have an influence on agrarian transformation. In review of the above explanation and modalities the two broad alternatives-pathways are deliberated as follows:- “The Prussian or Junker” path in which pre capitalist land owners are transformed into agrarian capitalists. This took place in areas of Latin America, Nothern India and South Africa; by 19th century the same path was adhered to by Germany. This is explained as accumulation from above category. Then the

American path, it is here with where the conditions for petty commodity- production are well established and fully capitalist agriculture grew up through class differentiation of peasants and other kind of small producers (Byres, 1891).

Several scholars have documented at length on African agrarian transformation (Mafeje, 2003; AGRA, 2007). The centrality of debate on the issue of transition in Africa is combined with feudal or other types of Agrarian society to capitalist or industrial society, through the transformation and role of various classes, for example, (different peasants' class's agricultural workers and land owners) in their struggle for democracy and socialism. These perspectives went hand in hand with transformation of socio, economic relations of production as well as productive forces in agriculture, the contribution of agriculture to the level of capital resource in strengthening classic transition to the growth of capitalist mode of production.

In the context of globalization and global demand for alternative and clean energy source, Agrarian transformation in Africa still remains unresolved issue. A substantial number of scholars have doubts on trustworthiness of African petty bourgeois ruling class have viewed this stratum of ruling class as an obstacle to reform (Fanon, 1979 and Shivji, 1976). At the moment the problem of structural adjustment to African states has provoked an expected results on agrarian transformation in African communities whereby a gradual pseudo retreat from agrarian interventions, allowing leadership to markets which were not well set as it has been expected by people and whose "informality" flourish further (Mkandawile and Seludo, 2001). The outcome was the same, a failed Agrarian transition.

2.5.1 Regional Overview on Agrarian Reforms and Experiences

Agrarian reforms are measures introduced by the state to change agrarian reforms of land ownership. The class content of agrarian reforms is totally determined by the country social system and its form of government. In capitalist countries agrarian reforms are turned against the remnants of feudalism, which obstruct the advance of capitalism in agriculture. The agrarian reforms introduced in the socialist countries were part of the revolutionary reforms of the society (Dictionary of Politic Economy, 1985).

Currently, Agrarian reforms are defined as the need of the day to make agriculture a dynamic sector of the economy. Thus Agrarian reforms are meant to transform entire economic landscape of rural landscape with an objective of increasing productivity of farm and nonfarm operations in the rural areas, reducing their poverty levels and thus improving the quality of life of people living in the villages (Woodhouse, 2010) over and above, Woodhouse argues that agrarian reforms should bring about changes which should entail fundamental structural as well as institutional changes in the political economy particularly in agricultural sector. Finally Woodhouse's definition of Agrarian reform accepts the World Bank evaluation of agrarian reforms where from the World Bank completes her evaluation of Agrarian reforms by using five dimensions namely.

Stock and market liberalization, Land reforms (including, the development of land market), Agro processing and input supply channels, rural finance and Market institutions, But the global conference on Agrarian reforms and rural development held in South America Agrarian 2003, worked upon the evaluation given by the

World Bank 1979 report and ended up in using eight dimensions as given below in assessing agrarian reforms in developing countries: Formulation of comprehensive land use policy, Improving of rural infrastructure, Improve rural governance, Ensure environmental sustainability, Creating linkages and promoting investment, Gender mainstreaming, Changing production relation, Improvising agricultural terms to trade.

The consensus was reached by that international conference on Agrarian reforms and rural development (I.C.A.R.R.D) .It was collectively agreed upon that the success of agrarian reforms will depend on the political will of the government concerned, active participation of the citizens of the concerned country. A vibrant and proactive civil society that can express the will of the people and need to translate those objectives of the aspired agrarian reforms into constructive and meaningful dialogue and proposals, finally policy makers of that concerned country should come together with civil society and formulate practical policies.

The above principles for a successful agrarian reforms were accepted collectively by the conference members because of having a common stand on fundamental belief that there is great diversity in agrarian structures across regions and countries, then social cultural and economic context as well as rules, customs and procedures for getting across to land and other natural resources vary from country to country.

In the same vein of giving a more precise and belief definition of agrarian reforms, the international conference on agrarian reforms and rural development that was held in Brazil, 2006, has defined agrarian reforms as a rectification of agriculture by the government. It is normally done by the government where they distribute the

agriculture land among the farmers of the country. The members of the conference held in Brazil in 2006, they earlier on looked at land by concluding that agrarian reform is concerned with relations between products and distribution of land among the farmers.

It also noted that the processing of raw materials that are produced by farming land from respective industries. They deliberated that there can be different types of agrarian reforms such as credit measures; integration of land and training of the farmers. The rights of the peasants working on leased land and aiding them in availing loans from private sectors; Along those reforms the government must also offer support services to the farmers, which complements the other measures. They also run campaign to increase friendship and mutual trust between the farmers.

It was resolved that the Agrarian reform is very important or significant for the economy of any country because more than half of the population in developing countries is employed in agricultural sector. Agriculture is the main source of livelihood especially for developing countries. Reforms are important because they protect the rights of the farmers. This has been verified by what has taken place in following countries as elaborated here below:

2.5.2 Agrarian Reforms in the Republic of Southern Korea

An experience from the southern Republic of Korea recorded successful cases of agrarian reforms that have been shown in practical manner for example the creation of an enabling environment for farmers and the private sector has managed to invest in agriculture as its fundamental priority (choe, 2012) such an enabling environment

encouraged farmers to invest in their agricultural land especially that protect the land from soil erosion such as terracing, mulching and enhanced productivity.

The ownership of land and the capacity for them to fully utilize the benefit of their labour based on two- principle conditions for farmers to invest in land. The southern Korea farm land revolution of 1950 provided this foundation by creating an incentives structure for farmers-to raise agricultural productivity. Korea abolished the land tenant system along with the usurious loan system that prevailed at the time revitalized financial institutions in rural areas to provide investment funds at low rates of interest. (ibid).

All this contributed to establishing self owned farming community (Bonine, 1980). The “seamaul”, movement, a national movement to improve a rural environment based on mutual help and self-reliance implemented in the 1970’s, promoted agricultural modernization. It created positive image of agriculture as a vocation thus attracting and keeping young people in the sector. This means that Korea relied more on policy changes and creating an enabling environment, conducive for farmers to apply advanced technologies and production including mechanization. This involved investing in public good such as construction of reservoirs, water tanks, pumping stations, irrigation facilities, land and the diffusion of agricultural technology, public investment covered many areas that normally considered the domain of private sector.

Several factors have influenced the southern Korea Agrarian reforms success were like, flexible policy regime that the policies formulated just to change, farmer socio

economic political conditions. The changes of policies created changes with regard to rural extension services, risk insurance and credit services- agricultural policy have emphasized rural extension services through its history and those services were supported by advanced technologies and science; changes also were seen along, agricultural insurance schemes that covered the entire country, that all those were to ensure a farmer compliance whereby the government established a climate-risk-zoning-system together with approved cultivation. Finally the government established an income support to farmers policies that were aimed at stabilizing farm income from world fluctuations over global market prices; all this was ensuring environmental sustainability (Kelly 2011).

Based on successful results of agrarian reforms in southern Korea, agriculture played distinctive roles during its agricultural transition basically for subsistence farming to modernity. Agriculture played the role of food producer and supplier in various forms, firstly, agriculture transformed into a provider of industrial raw materials. This first role contributed to the expansion of down streams industries such as fertilizer, chemicals pesticides; fungicides as well as machinery. On overall assessment agriculture helped to rise individual wealth in the bio diversity, preservation and environment protection-including clean- air, green space food control, water source development; natural belfry and factor of soil stabilization (FAO 2012; choi 2012). A straight forward contribution of this case-study to Tanzanians we can denote on how the government of southern Korea was committed practically to raise the liveli hood of a poor small land holder/farmer to lead a prosperous life style through revolutionizing agriculture by protecting this poor small

land holder against exploitative relations of production. The fundamental rights of a farmer are taken care of all along by the well established land policies.

2.5.3 Agrarian Reforms in China

China is basically an agrarian economy and her agricultural sector supports huge percentage of the population, mostly the major part of her population depends on land thus the country has huge agricultural sector (Bardhan 2010). The Chinese Agrarian reform is marked by the shift from feudal farms to commercial farms then towards small plot and land farmed individually by farming families. The actual land ownership is retained by the village collective authority.

The individual rural households were allocated land usage rights and given the right for the decades to make all major farming decisions. The state supports the system by subsidizing inputs and other forms of support. In fact, the Chinese government has increased production and enhances rural income (Zhang, 2015). The farm land in China is controlled by the farmers but not owned by them. The rural farm land allocated to rural household can be rented but not sold. The government of China does provide incentives for agriculture by employing a great number of the Chinese people what can be seen as an intensive productivity in 1980^s. By 1987-2004 periods, China has marked total factor productivity in agriculture, of almost double investments. Thus China, invested in agriculture, education spread; equitable distribution of land and successful rural industrialization and finally pressure on land decreased whose outcome helped productivity (Oya, Ye, Zhang, 2015).

By 1990, the Chinese supreme leader Deng Xiaoping articulated a vision of modern agriculture sector. This opens way to an increased involvement of agribusiness and entrepreneur farmers. This vision comes to reality in some rural areas. The house hold based small farm- holdings and agricultural production system has in some areas been transformed into specialized, commercialized, vertically, integrated into larger scale farms of agriculture-production for example the shouguang county in Shandong green- houses for growing vegetable and different agribusiness (Lin 1992; and Donaldson, 2010).

The most outstanding more, China embarked on was that where the country moved away from substitution and taxes to open up their market and make use of global economy and new green technology for suitable growth (Bardhan, 2012). The opening up of her market and growing economy, China stimulated the rural infrastructure due to inter regional competition (World Bank, 2012). At this moment, China moved from centrally “planned economy “Just become market oriented and a world leading economy in just a few decades. The globalization of China and intensive economic reforms could be the reason that eliminated the once substantial extreme poverty in China (Bardhan, 2007).

Fundamentally, the Chinese policies were formed to keep social stability during times of structural change, which mobilized different parts of the society and created interregional competition for investment, infrastructure and business (World Bank, 2012). This meant that China government maintained a sustainable growth as the government implicated policies and institutions into World market with policies and Institutions supporting international cooperation (Tao, 1998). All those practical

changes marked a successful agrarian reform that has managed to withstand the shocks of globalization process (Yan, Chen, 2015).

A practical note from the Chinese agrarian reform Tanzanians should learn how problematic issues related to land have been handled as well as an issue of poor small land holder has been liberated and enabled to lead a happy life which is sustainable one. In short, the fundamental principles related to farmers' rights has been honored all along production process. The Chinese experiences are an eye opener to our national most problematic issues, with regard to land, poor small farmer; policy aspect and national move to fight poverty, realistically. We can now liberate our poor small land holder, if we can accept to learn from the Chinese experience on their agrarian reform.

2.5.4 Agrarian Reforms in Iran

Iran had experiences exploitation, oppression and forced labour of the landlords, Peasant system was common, across Iran's villages before the Agrarian reform (Nadery, Pouya 2012). This was the shah's political stability. Shah decides to commence on governmental revolution, which was called "white revolution", (Tajbakhsh, 2000). Agrarian reform during Pahlavi period contributed to many changes in the system of the agricultural production, occupational structure, social stratification reflects the extent of the village's transition to capitalist agriculture (Irfani, 1996)). Agrarian reform in Iran led to sweeping changes in rural landscape and affected rural environments and settlements from the landscape architectural point of view as well.

Before Agrarian reform in Iran, just 29% of the agricultural lands were a peasant production system 59% and 12% were under land lord share cropping and tenant farmer's system respectively (Iran Ministry of agriculture 1961). The villages social structure was nearly homogeneous largely dominated by absentee land ownership and share cropping arrangements. Most households were share croppers at the same level in the village social hierarchy, lacking any appreciable internal social economic differentiation.

Fundamentally, Iran agrarian reforms contributed to the development of both peasant- capitalist farming and large scale agricultural enterprises, representing 6.5 percent and 15 percent arable land in Iran respectively (Alamdari, 2005) Iran agrarian reform in 1962, implemented in three phases over a decade, under Shah's White Revolution work, which was done and geared at: Dismantling the powers 'base of the land owning class then dismantling of the share-cropping system; Finally established peasants' proprietorship (Vineze and Elemer, 2011).

Generally, Iran Agrarian reforms was classified as anti- feudal plan to eradicate feudalism to establish capitalism in the non- reform sector and promote political stability (Sariolghalam, 2003) agricultural system production included the coexistence of four different types of agricultural production system in villages: peasant production system, pump owner tenant farmers, large private capitalist farms and the remnants of land lord share cropping system (Hojat and Malik, 2000).

Agrarian reform and its relationship with rural landscapes after the agrarian reform there were changes. The immediate change was the decaying rural community. After

the agrarian reform the lords and land lords transformed their investments into the cities and established the financial, industrial and services institutes in the cities. On the other hand, peasants and farmers migrated to cities for well paid jobs (Hojjat 2005). Villages were abandoned. This increased urban population and decreasing rural population cause unequal population growth urban and rural settlement. This caused unorganized development in both Iran cities and land reform rural landscapes have been affected by the technology and accessibility to urban area.

An experience of Iran agrarian reforms are essential for us Tanzanians whereby we need to be aware of ourselves, that it will be our duty to see to it that the process of reforms should be controlled by the nationals not anybody else. It is also our duty to cross examine the agrarian reform process from the beginning to the last point, otherwise the process can be out of control and get disorganized like agrarian reform in Iran during the first phase.

2.5.5 Agrarian Reform in Russia

The late nineteenth and early twentieth century was times of crisis for Russia. Not only did technology and industry continue to develop more rapidly in the west, but also new dynamic competitive great power appeared on the world scene (Dennisson and Tracy 2006). At particular time as noted above, Russia was an expanding regional giant in central Asia, bordering the Ottoman, Persian, British, India and Chinese empire; in fact it could not generate enough capital to support rapid industrial development or to compete with advanced countries in a commercial basis (Eline, 2002). Russian fundamental dilemma was that accelerated domestic

development risked upheaval at home but slower progress risked full economic dependency on faster advancing countries to the east and west (Eline, 2002).

The regime of Alexander II and Alexander III initiated the political reaction; their reform necessitated the lifting of state censorship. Thus the liberal, nationalist and radical writers also helped to mold public opinion that was opposed to Tsarism, private property and the imperial state. In fact, many intellectuals, professionals, peasants and workers share those opposition sentiments. The regime regarded the publications and radical organizations as dangerous. By 1860-1880's, Russian radicals collectively were known as populists (Narodnik) focused chiefly on the peasants whom they identified as the "people" (narod) (Nafziger, 2011). The radicals formed the propagandist organization called land and liberty (zemlye i volya). This group renamed itself the people's will under the leadership of Gregory Plekhanov or this group was later called black Repartition, which advocate redistribution of land to the peasants. This group of people's will be joined by Vladimir and inspired by Plekhanov. Vladimir later changed his name to Nafziger, Steven, 2011).

Vladimir was the most politically talented of the revolutionary socialist. In 1890's, he labored to wean young radicals away from populism to Marxism, exiled from 1895 to 1899 in Siberia, where he took the name from mighty Siberian Lena. River or he was the master tactician among the organizers of the Russian social democratic labor party. In December 1860, he found a newspaper "Iskar" 'spark' in his book 'what to be done' (1902) Lenin developed the theory that newspaper published abroad could aid in organizing a centralized revolutionary party to direct overthrow of an

autocratic government. He then worked out to establish a tightly organized, highly disciplined party to do so in Russia (Nafziger, Steven and Peter 2012).

At the second party congress of Russian social democratic labour party in 1903, he forced the Bund to walk out and induced a split between his majority Bolshevik faction and the minority Menshevik faction which believed more in worker spontaneity than in strict organizational to Lenin's concept of a revolutionary party and a worker peasant alliance owed more to the peoples' Will than to Karl Marx and Friedrich Engels, the developers of Marxism. Young Bolshevik such as Joseph v Stalin and Nikolay Blukharim looked to Lenin as their leader (Mikhanionvna, 2000).

Russian specific agrarian reforms-process: Russian government had initiated the political reaction reforms that changed the political economy of Russia (Markerich 2012). The agrarian problem provoked changes every year thousands of nobles who found themselves in debts either mortgaged their estates to the noble-land bank or sold their land to municipalities, merchants or peasants (Markevich, Andrei, and Harrison, 2011). The nobility had sold one third of its land holding and mortgaged the third that remained. The peasants had become emancipated from selfdom. The government had hoped to make them a politically conservative land holding class. The government issued laws providing the peasants would purchase certain land owned by nobility and would pay for it through redemption dues over decade land known as " allotment" would not be owned by individual peasant but owned by the community of peasants, individual peasant would have rights to strips of land that were assigned to them under the open field system (Milanovic,

Branko, Williamson, 2011). Unfortunately a peasant was unable to sell or mortgage his piece of land and thus he would be required to pay his share of redemption dues to the village commune.

The government had created this plan to ensure that proletarianization of the peasant would ever happen but peasants were not given enough land to provide for their need (Darius, 2007) Their earnings were often so small that they could neither buy the food they needed, nor keep up the payment of taxes and redemption dues they owed the government for their land allotment. By the tenth year of Nicholas II's reign, their total areas in payment of taxes and dues was 118 million rubles. As time went on, this situation grew worse. Masses of hungry peasants roamed the countryside looking for work and sometimes walk hundreds of miles to find it. Despite peasants proved capable of violence, example in the province Kharkov and Poltava in 1902 thousands of peasants ignoring restraints and authority, burst out rebellious fury that led to extensive destruction of property and looting of noble-homes (Ascher 1994).

The necessity for agrarian reform is dictated by the demand of economic and political development of the country and by the peasant powerful movement for land. The degree of radicalism of the reforms is determined by combination of social and economic conditions in the given country, the V.I Lenin emphasized the direct connection between agrarian reforms and the struggle for political power "agrarian reforms/ transformation is an empty phrase, power by the revolutionary people without this conditions, it would not be an agrarian revolution (or transformation) but rather a peasant rebellion or a 'cadet agrarian reform'" Lenin 5th ed volume 12: p366). Agrarian reform was carried out in Tsarist Russia under the pressure of the peasant

revolutionary actions (Harcave 1990:21). The reform in central and southern Europe after World War I in (Rumania 1919-1921) (zechoslora 19199, yugo, slavia 1919, Hungary 1922-24) after fall of soviet republic Poland 1920 and Bulgaria 1920; were halfway measures which brought no fundamental changed to agrarian system of these states (Nafziger 2011:15)

Landlord estates were limited somewhat and the lands alienated for a high redemption fee become concentrated on kulak forms. The bulk of the peasants could not obtain the land because of its high price (Allen 2013). The stolypin agrarian reforms in Russia aided the development of agricultural capitalism. The legislative measure adopted in this period were intended to aquidate communal peasant and ownership to strengthen the kulak sector as a support for autocracy while preserving the gentry's latifundiac (Ascher 1994:202)

The great October 1917, socialist revolution in Russia resolved the agrarian question in the fullest and most consistent manner by the degree on land adopted by the 2nd all Russian congress of soviet October socialist revolution, October 26, (Nov 8) 1917.

Land lord was liquidated without and redemption and land was declared the property of the whole nation. The system of land was tenure was established by the decree of the all Russian's central executive committee of February 1981, on the socialization of land. The victory of the people's democratic revolutions in countries of European and Asian after World War II was the most prerequisite for the implementation of agrarian reforms in the interest of the toiling peasants. (Dennison, Tracy, 2006)

As a conclusion all agrarian reforms in different countries and their experiences have shown practically that sustainable institutional arrangements related to land or agrarian system shall only be victorious by being practical in their respective countries. Any country must be led by a committed, victorious class that struggles at all times being spearheaded by revolutionary classes. It goes without saying that a country like Tanzania, all institutions, rules/ regulations/policies will only liberate a poor small land holder when and once a revolutionary party will be led by a revolutionary class. Infact this revolutionary class should lead the process of Agrarian reforms. It is under such circumstances, we can judge transparently the class that controls the top hegemony of the state as to whether it does control the state according to the needs of the poor small land holders or not.

2.7 Agrarian Transformation in Africa

The purpose of land and agrarian reforms have turned to more complex and awkward in terms of their pattern this is due to the inherent features of the civil governments of countries plus uncompromising adherents of particular ideology of the people exercising authoritative decisions, over the natural development long-term plans, aiming to achieve a specific purpose. The current debates perform their part in a restrained way, in clarifying the essence and trend of agrarian transformation in Africa, (Ferdinardes 2001), where from, Agrarian reform was thought to bring about changes in the national prosperity on the manufacturing process of products plus human progress in general, sincerely this has been the basis of agrarian reform.

In fact Moyo (2003) has deliberated three opinions on the aim of agrarian changes that could be grouped into three categories namely the ‘‘socio’’ the ‘‘economic’’ and

the ‘political’; all form the basis of issues related to society. The ‘socio’ trend stressed on the basic physical and material well being of people’s need. This is extended to the redistribution of land to the poor, with aim of keeping up the large modern farm- sector. The ‘economic’ trend gives reasons or cites evidences in support of the poor, over the issue of redistributing the land so that there could be an efficient, small, commercial farmer. It is believed that this process will create employment as well as boosting domestic markets. The ‘political’ trend has been justifying and calling upon power to redistribute the land accordingly as to change the entire farming area which is assumed as a fundamental part as well as the crucial vein in development techniques.

The specific political and economic status quo....of a nation’s overtime and the widely varied trends related to the aim and approach to land reform could be combined. The merchant path combining the types of town petty bourgeois characteristics have acquired land as to form middle class who were involved on exporting commodities, linked to international agro-industry business; this is growing tremendously in several countries (Sukuma and Moyo 2003). This has manifested the richer class emerging amid the semi-proletarianized, landless class though proletarianization is marked with differences. The middle to rich path peasant of petty commodity producers was created through rural differentiation and active state policies of land access and tenure, but subjected to contradictory agrarian policies, which under land market reform and neo liberalism have been restrictive.

A rural poor path including fully proletarian and semi-proletarianized peasants has also occurred and is characterized by the contradictory tendencies of full

proletarianization (Undereconomic and demographic pressure) and retention / acquisition of a family plot for petty commodity production and social security (consistent with functionalized). These poor migrate from rural areas to urban places, across international boundaries and participate in the informal economic sector. Poverty reduction and integrated rural development strategies seek to improve functional dualism in its moment of crisis (Moyo and Yeros 2007).

Structural adjustment has led to the abandonment of the development agenda. Direct and indirect political action and social catastrophes have brought back land reform (Moyo and Sukume 2007). Development strategy entailed economic and agrarian policies that direct the use of land for export purposes, rather than for developing the national market and related industries, while favouring distorted accumulation by a small elite and foreign capital (Moyo, 2004) leading to under consumption and mass unemployment. These policies repressed agricultural productivity among the peasantry, leading to depressed wages and peasants incomes. In addition liberalization led to the conversion of large tracts of farming land to exclusively wildlife and nature based land uses under even larger scale natural resources.

There is a rush in Africa south of the Saharan desert by almost all countries in that zone. This rush is prompted by suggested opinion by the World Development Report (2008), which has provided a hint over the necessity of embarking on green revolution in agriculture for African countries. On the other side of that wise suggestion by the World Development Report, it appears that African countries are encouraging the traditional type of agriculture on farming sector in adopting to modern need of economic growth. Practically if they will not be careful, there will be

very little space left for the traditional small holder agriculture. This means that Tanzania for example has launched the Kilimo Kwanza (Agriculture first) campaign in July 2009 (URT 2009) without being too scientific in its initial stages.

This approach is a paradox in the midst of such widespread crises of production and reproduction partly manifested in the shrinkage of the peasant sector, combined with increasing differentiation between those able and unable to farm as a significant basis of their reproduction. There seems to be a mounting tension over land ownership. A wide range of recent evidence concerning competition for land and the conflicts it generates is presented by Peters (2004) who distinguishes the various types of agents and stands of this process as follows: Growing populations and movement of people looking for better/ more land or fleeing civil disturbances. Rural groups seek to intensify commodity production and food production while retrenched members of a downsized salaried look for land to improve food and income options. State demarcates forestry and other reserves and identify areas worthy of conservation (often under pressure from donors and international lobbying groups). Representatives of the state and political elites appropriate land through means ranging from the questionable to the illegal and valuable resources both on and under the land (timber, oil, gold and other minerals) attract intensifying exploitation by agents from the most local (unemployed youth or farmers seeking ways to obtain cash) to transnational networks (of multinational corporation, foreign governments and representative of African states (Peters, 2004).

2.8 Agrarian Issues in Tanzania

The agrarian sector in Tanzania as other developing countries in which the majority of the population depend entirely on land for their live hood is said to be in chaos precisely because the great difficult has been caused by neoliberal economic reforms in the past decades, where it is intensified through the continuing forms of accumulation of capital, leaving many local communities in a state of destitution and impoverishment, while exposing them to what can be termed massive exploitation and marginalization (Bernstein, 2005). This status quo of affairs indicates pervasive agrarian crisis, various approaches and discussions on agrarian aspects are deliberated and by the multidisciplinary techniques. Issues were advanced with regard to the occurrence of agrarianism in developing countries.

According to Michael (2007) in the classical conception, the agrarian question was to be resolved by capital through particular class transformation process and political chances within each nation state. This state centric view discounted the role of imperialist relations during the era in which agrarian emerged. Michael (2007) is of the view that post colonial states, with exceptions (including Tanzania and China) constructed in the western image, adapted the idealized national economic development model, founded on a dynamic commercial relationship between national, industrial and agricultural sectors. He states that within thus framework green revolution technology was transferred to the third world to modern its farms by constructing capitalist farming class to provide urban class with food.

Basically an adequate analysis of the agrarian issues, it should be traced within the colonial economy and the resultant efforts to integrate the country into the metropolitan capitalist structures. On this aspect, Shivji (1975) argues that the development of agrarian capitalism in Tanganyika has to be distinguished from the kind of capitalist development in the European countries that Marx described. Thus Shivji and many others argue that the agrarian issues have their roots in the appropriation of land and entire changes to land tenure systems in Tanzania since the colonial era.

The presidential commission report (1994) demonstrates the enactment of the famous imperial decree of 26 November 1895 instituted the philosophy of land ownership under German rule in terms of which all lands, whether occupied or not, were treated as crown lands Olenesha (2005) states that there was, however, an exception to this general rule in situations where private persons or communities could prove ownership. Private persons could prove ownership by documentary evidence; while traditional communities could prove the same through use and occupation. This spirit has shaped and regulated matters pertaining to land tenure system through out, British colonial rule and postcolonial era.

During the British colonialism, there were few alternatives to the central principle of land of land tenure practiced by the former colonial power, with reference to special focus on the development of the colonial economy to facilitate the production of agricultural raw materials, while controlling and alienating indigenous land rights. The land ordinance of 1923(No3) for example declared all lands to be public lands. Shivji (1998) holds that this ordinance is still the prime basis of the land tenure

regime and it sought to become this by declaring and defining customary, tenure without securing and statutorily entrenching customary titles and rights and by authorizing the governor to make land grants in the form of temporally limited rights of occupancy. This meant in practice the alienation of indigenous lands to settlers and foreign- corporations and preserving the overarching control of the state over land by vesting the radical title in the state, which in turn was legitimized by the hortatory provision that land “shall be held and administered for the use and economic benefit, direct or indirect of the natives in the territory”

In 1928, there were major changes in the land tenure regime where the land ordinance of (1923) was amended to expand the meaning of the right of occupancy to recognize customary law title. Since 1928, the governor was authorized to make grants of land the form of rights of occupancy for a period of up to 99 years (this is also the case with the current land Act). This land ordinance of 1928 was the land tenure where the colonial state alienated the public lands occupied by indigenous natives to non- natives, including immigrant communities and foreign companies.

Olenesha (2005) argues that the effect declaring land to be public land does not have a sufficient explanation in law and it would seem to have been just an administrative tactic to legitimize the dispossession of Africans of their lands. He is of the view that because land are public and further, because customary titles do not enjoy the same status as granted rights of occupancy, the British colonial state could implement its economic objectives without impairments. Thus, merging property and sovereignty in land through exercise of radical title was the best way to exploit and plunder the natural resources of Tanganyika colony. It was also to exacerbate the challenges

facing the traditional economy and intensifies the agrarian crisis. After the Second World War the British colonial rule concentrated on the exploitation of natural resources in order to reconstruct British wounded economy. This led to the use of force in the production of cash crops by peasants. A government circular of 1953 (Tanganyika Government 1953) emphasized the need for indigenous people to initiate the use of modern methods of production used in non-native lands within the framework of modernization, whose intention, among other things was to rationalize further alienation of land to non- natives (shivji 1998). The motive behind the colonial land tenure systems in Tanganyika was therefore to abolish customary land tenure and enhance a freehold system. Through this system the indigenous peasants and pastoralists were to be alienated from their native surroundings in order to be integrated into the world capitalist economy through the production of cash crops to address the needs of the colonial power.

The post colonial phase is characterized by villagization and the Arusha declaration. It was after independence in 1961, the newly independence state emphasized over the benefits of peasants living together in nuclear villages as opposed to the patterns of scattered settlements prevailing in most area in Tanzania .In relation to that the broad message of “Ujamaa” was introduced with the Arusha declaration in 1967 (Bernstein 1981). Bernstein explains that from 1967 to 1973 the number of those living in officially designated ‘ujamaa villages increased from about half a million to about two million or 15 % of the rural population in addition, these operations that mobilized to form villages by local party and government officially provided the

prototype for villagization on a national scale, order at the end of 1923 and completed by 1976.

After these operations people were resettled. The impact of which the land commission established that among the major features of the operations was the total disregard of existing customary land tenure systems as well as the fact that virtually no thought was given to the future land tenure in newly established villages (URT 1994: VOL 1, 43) Vilagization and the whole operations were said to have had a major impact on both land tenure and deemed rights the peasants, pastoralist-communities rural land users. The result was confusion in tenure and the total undermining of security for customary land holders, and above the opening up of possibilities for alienation of village land on a scale greater than during colonial times (shivji 1998, Tenga 1987).

2.8.1 Agrarian Issues During the Neoliberal Era

Araghi (2000) and Mc Michael (2007) argue that this perspective is governed by the lens of capital accumulation essentially that capitalism follows a path dependent resolution of social forms into the capital- labour relationship and that “peasants” are a historical anachronism, as scale is necessary to survive in the market or to realize the potential of “social labour”. Such arguments subscribe to not only the nature of the colonial powers but also the state, which inherited the role of landlord, hence mediating the relationship between producers (peasants) and consumers (industrial metropolitan) through merchant capital.

It is clear now, that the current land tenure regime in Tanzania is an outcome of colonialism. Thus in the last one and half decades there were, however major

reforms to land tenure in Tanzania .All of which have contributed to the current agrarian issues. It is hereby where Olenesha (2005) has stated that the present reforms began with the appointment and work of the highly celebrated presidential commission of inquiry into land matters whose work led to the formulation of the national land policy 1995, which paved way for an enactment of two major pieces of legislation the land law and village land acts of 1999 (Act No .4 and 5 respectively) (URT 1999) In 2004 and 2008, the land Act was amended., Establishment of the land bank and its administration by the Tanzania investment center (TIC) is said to be one of the significant administrative developments relevant to land tenure

The commission, which was appointed in January 1991 was mandated to investigate the peoples complaints and grievances over land and to recommend new land policy and tenure system. Shivji (1999) noted that the commission visited all 9(then) 20 regions of mainland Tanzania and all districts where he met 145 villages, 132 urban centers and finally he drafted the report by documenting into several volumes. Over and above, shivji 1999 noted that both the national land policy and bills ignored the major recommendations of the commission, while taking in details in an ad hoc fashion. It is argued that instead of decentralizing and democratizing land tenure management the national land policy is viewed by the majority as centralized and reinforcing state power to control land (shivji 1995).

As the result of that scholarly criticism, the actual land and village land Act of 1999 stipulate that all land in Mainland Tanzania” shall continue to be public land and remain vested in the President as trustee for and on behalf of all citizens of Tanzania”(c l .4 (1)). This was also the basis of the land tenure system put in place

by the land ordinance of 1923 and proof that the Acts overtly continue the essential colonial principle of land tenure, namely integrating property with power. More over, as did the land ordinance, the Acts establish system rights of occupancy relating to the use and occupation of land. This means the state is the final owner of land, grants rights of occupancy and bears customary occupation and use of land. However Acts acknowledge customary tenure as equivalent to granted rights of occupancy. The implication of this is that the president is given power (as was the governor during the colonial rule) to grant land to a foreigner or non native or reserved or general land for interests pro claimed to be “public” including investment.

This is also to say that Acts confirm foreign ownership of village lands under a long term lease under indigenous title, whether granted or customary, hence paving the way for various forms dispossession and displacement, with reference to the above the operating policy for example the land policy 1999 empowers the government to do same changes here and there. For example the environmental management Act of 2004

The wildlife conservation Act No 12 of 1974 (as amended 1978) the wild life policy of 1998. These acts also grants power to the government to dispose pastoralists of their lands but it is silent on what should happen to those who had traditionally relied in such lands either by the way of compensation or otherwise. Furthermore these Acts places severe restrictions on accessing land declared a (Game Reserves or Game controlled area or protected area in the country). These areas or lands were either pastured land or were used by pastoralists in the past. Basically the

contemporary Acts in the country as mentioned above facilitate the marginalization of pastoralists by encouraging more land to be brought under wildlife resources. This tendency was earmarked by Bernstein (2005) where he gave a point of caution on consistency with related to peasants' land being alienated. This has ended up in agrarian crisis.

The roots of agrarian crisis as noted by Shivji (1987) must be traced to the super exploitation of the peasantry by imperialism in alliance with the local composition of the peasantry by imperialism in enhance with the local compradorial -classes, in which the overall economy is characterized as a colonial, vertically integrated economy and the social formation as neocolonial, semi patriarchal one. During the colonial era, for example the colonial state through the mechanism of the law and market economy, greatly increased the cash requirement of peasantry (Tenga 1987) Tenga explains that the system of imposing fixed flat rate taxes required peasants even in the face of declining prices, to increase production of marketable crops. Tenga states that hand in hand with their taxation system, laws enacted that obliged peasants to cultivate a minimum acreage of export crops at the sometime marketing arrangements were erected through local government -bodies, crop marketing boards later cooperative. Thus under native authority Ordinance of 1926; native authorities made by laws to enforce agricultural cultivation and land use. This was also done under various crop ordinances including the native coffee (control and marketing) ordinance 1937, plant pest and disease ordinance 1921; native Tobacco control and marketing) ordinance 1940. Regulations were enacted on land use for specific crops, the breach of which was punishable by imprisonment and fines. These

made peasants to undertake economic activity favoring colonial rule. Throughout colonial rule there existed institutional arrangements and structures that suppressed the peasants productive activity and perpetuated exploitation in order for him/ her to produce for the colonial economy. After independence the situation still did not favour the peasants, despite the policy of “Ujamaa” which many scholars see as having failed to transform agriculture and peasantry.

2.8.2 Agrarian Change in Tanzania

The diverse ways in which capital and colonial state has included as part of the whole rural producers into production and consumption of commodities as the means of securing their subsistence, has been cross examined by scholars such as Bernstein (2005): De Janvry (1991). Bernstein, (2007) admits that regulations, services and monopoly of crop producers have been used to require an often recalcitrant peasantry to organize production so as to meet the demand of international capital and the local state for particular commodities, trading profits, revenues and foreign exchange.

Basically the peasantry ought to be evaluated along relations with capital and the state in various absolute conditions which sheerly means within capitalists relations of production (Bernstein, 2001) These are mediated not through wage relations but through various forms of households production by producers who are not fully expropriated of their lands and who are engaged in struggle with capital, effective possession and control of the conditions related to production process.

In principle; the relation between the state and the peasantry is that, component of the peasant labour product that is realized through the mechanism of exchange that is the state which is able to control and drive revenue from (Ibid2001). Thus Bernstein concluded that given the combination of the limit of agriculture based largely on household production on one hand and rapidly escalating costs of an expanding state on the other, increasing pressure by the state on the peasantry is a predictable outcome. It is exposed in the first place in the extension of the state control over the condition of exchange, charted in the institutional development of a kind of monopolistic state capital movement; this has contributed to the stagnation of marketed output thus intensifying the fiscal problems of the state. The current state of agrarian sector in Tanzania especially from structural adjustment programme as enshrined in the neoliberal policies, this status quo of affairs is deliberated by (Jansen, 2014) where he noted that the neo liberal policies promote agricultural export inline with the comparative advantage of African economies; henceforth the programme stressed on agricultural revival and productivity of income growth. In the way of implementing this programme some notable measures are inflicted negatively on local community members such as displacing some peasants and pastoralists in the name of conservation and calling these groups of people as agents of environmental degradation. The outcome of all these is nothing but intensifying farming problems in Tanzania.

An explanation by De Janvey (1991), has informed us the the view of Mapolu 1990, that by the time of independence, the task of intergrating the rural people into capitalist market by the colonial powers had largely been accomplished. The social

economic structures had been built to ensure a more or less permanent flow of agricultural raw materials from Africa to Western Europe and Northern America and a firm dependence on the world market. Mapolu (1990) argues that nevertheless nowhere there had been an integration of rural people into the market economy been fully accomplished. Rural communities, often residing in inaccessible areas or engaged in productive activities are not easily penetrated by the cash nexus, continued to lead traditional forms of life, more or less free of commodity-production and exchange.

One of the most practical theories to the analysis of Agrarian society is the one advanced by Roberts and Williams (1984). It is guided by the Political Economy approach, which propounded that Agrarian society is arranged into hierarchy starting with Natural Economy type of production and Peasant Economy Model or primitive agrarian society; the produce or production is not for exchanges but purely for domestic use. As consequence, it was argued by Dalton (1967) that traditional production in primitive African Economies, the market exchanges are usually peripheral and all important output and factors flows are carried on via reciprocity and redistribution. In the absence of markets, resources are not allocated in accord with their values in exchange; rather, the patterns of allocation are determined by social relationships. Within this natural economy as argued by Marx (1978; 98) who asserted that an isolated individual could no more own land that he could speak of as own.

The acquisition of property is thus a social act; it requires membership in a community or village. In the words of Eric Wolf (1969) such villages, maintain

religious system, enforce mechanisms, which ensure the redistribution or destruction of surplus wealth and uphold barriers against the outside. According to this theory as deliberated by Robert and Williams, (1984) the social instructions of the rural society facilitate the attainment of the basic cultural values. One such value is sense of membership; another is equality; a third is that all member of society possesses an equal right to sufficient income to guarantee their survival. It is therefore the absence of the threat of individual starvation, which makes primitive society in the sense, more human than market economy at the same time less economic.

2.8.3 Forms of Agrarian Accumulation

In the attempt to reduce absolute mass poverty and improve the standard of living of its peoples the Tanzania state has adopted many agrarian policies with an expectation of increasing household level wealth and state revenue. By 1960' the focus was on cooperatives and some success was registered. Later, cooperatives were abandoned in 1970' in favour of more direct state accumulation through the Parastals –Crop Authorities and the state farms. In 1980' the cooperatives were reintroduced and the Crop Authorities were sidelined in favour of liberal markets. These major policies are reviewed here in relationship to agrarian issues.

2.8.4 Co-operatives and Agriculture in Tanzania

There were limited peasants economic associations in Tanganyika before 1932. The notorious Kilimanjaro Native Planters Association (KNPA), formed in 1925 to protect and promote interests of indigenous coffee growers in the Kilimanjaro area. The KNPA Assisted in the proper control of coffee planting and in advising against

pests and disease. It assists peasants to sell their coffee at the highest possible price and get supplies of chemicals and other inputs necessary for the improvement of coffee production (Kimario, 1992:4). The information of peasant associations to promote marketing and supply of inputs was an indication that differentiation was growing among the peasantry. There has never been a homogeneous peasantry as Chayanov has argued. However Chayanov was also a strong supporter of peasant-Cooperatives and he believed that they would help the peasant economy to modernize and transforming the house hold basis of agriculture (Chaynov, 1966 and 1991).

Cooperative societies ordinance was enacted in March, 1932, based on the Indian cooperatives Acts of 1904 and 1912 (Kimario, 1992:5) cooperatives started registering in January 1933 and KNPA transformed itself into the famous KNCU (Kilimanjaro Native Cooperative Union) other cooperative societies and unions evolved from 1930^s to the 1960s and the strong holds of the movements were Kilimanjaro (Coffee). Bukoba (coffee), Tukuyu (Coffee), Songea (Tobacco) Matengo (coffee), Ngara (coffee) Lake zone Mwanza, Shinyanga, Musoma (cotton) Meru, (coffee).

Market cooperatives helped many peasants to accumulate wealth and in the area where the movement was strong, there were many rich peasants as Kulaks. One cooperative (the TFA or Tanganyika farmers Association) was constituted by commercial farmers. Some of its members become very successful farmers and

owned large commercial farms especially in Arusha region. Cooperatives help farmers to accumulate because they increase their share of the trade profit.

The largest cooperative movement developed in Tanganyika for example the Victoria federation of cooperative unions limited (NFCU). By 1968 the cooperative movements on the mainland was handling 27.5 million worth or 45 percent of the countries annual export. At the time ...this share was second only to Israel and Denmark (University Press, 1968:176).

Cooperative channeled loans to individual members by acting as guarantors of loans. The cooperative Bank of Tanganyika was found: 1962 and changed its name to the National cooperative Bank (NCB) in 1964. The shareholders were Co-operative unions. By 1967, the bank had accumulated Tsh. 1.8 million as general reserves and Tsh, 1.1 million as statutory reserves. It had appropriated Tsh. 250,000/= for dividends, which was 7.3 percent of its paid up share capital. The bank provided overdrafts to cooperatives to finance the purchase of export and food crops from crop growers who were cooperative members and non members By 1970, the NCB had share capital of Tsh. 4.5 million and made profit of Tsh. 5 million (Kimario 1992).

The NCB – operated side by side with National Development Credit Agency (NDCA)/. These... the two institutions operated under one parent body. The National Cooperative and Development Bank established in 1964. The NDC was used to grant credit to peasants. The funds were made available from the International development Agency (IDA) and other sources. The NDC was able to reach about

100,000 peasants annually. Considerable sums of money were injected into agricultural sector through the NDC.

There appears to have been a contradiction between those who controlled the cooperatives's (rich peasants who were the nascent agrarian bourgeoisie) ... and the rising bureaucracy that controlled the state. This contradiction determined the future of agricultural development in the country. Cooperatives's were bringing much revenue to government through export taxes and local government taxes. However the class contradiction between rising Agrarian and parasitic bureaucracy led to sharp changes in policy, the state bureaucracy sought an independent source of accumulation through state or parastatal companies which could be directly controlled by the state, unlike cooperatives which were democratic and controlled by the rising agrarian bourgeoisie.

The NCB was abolished in 1971 following the creation of state Bank (NBC or national Bank of Commerce) and nationalization of foreign Banks. The NDCA had been dissolved earlier in 1970. The abolition of NCB and NDCA elicited strong opposition from cooperative members (Kimario 1992) however cooperative were abolished in 1976. And established crop marketing functions were allocated to parastatal – crop – Authorities. The state policy on agriculture is shifted from supporting peasants to supporting state farms. Thus the focuses of accumulation in agriculture by the state were the parastatals and crop authorities and state farms.

Since the abolition NDCA and NCB, the provision of credit to peasants has been a major problem. This trend has not helped the agrarian sector in developing and shortage of capital to peasant farms. It remains one of the major hindrances to an agrarian revolution in Tanzania.

2.8.5 Parastatal Crop Authorities and State Farms

One parastatal crop authority was created for each major crop (cotton, Coffee, Sisal, Cash nuts, tea and pyrethrum) another crop parastatal (the NMC or National Milling Corporation) was created to buy grain from peasants, to sell in towns and to export. Yet another GAPEX or General Agricultural Export Company was created to buy and export nontraditional crop like simsim; sun flower, cardamom.

Parastatal crop companies had a monopoly of buying crops direct from peasants. It was a governmental strategy to accumulate through using government agencies. There were 400 (agencies) parastatals directly under the government. Crop authorities made huge losses and become heavily dependent on hand outs from the treasury. It is argued that they contributed a great deal to the economic decline of the country (World Bank 1983:76-7) they failed to provide price incentives to peasants; they were highly bureaucratic; and sometimes they failed to collect crops, which were already in village stores.

They borrowed crops from the peasants and failed to supply, the inputs, the cooperatives had supplied in the past. The idea of accumulating through parastatal companies extended to direct farming and not only marketing, Organization such as crop authorities. In the first five year development plan of the country 1964 – 69,

agriculture was allocated 15% of the investment. Most of this money 70% went to support settlement schemes, which covered only a few thousand peasants. In the second five year plan (1969 – 74) more than 15% of estimated development expenditure was set aside for agriculture, but state farms and peasants were favored in the spending of this money.

During the plan period, one agricultural parastatal that ran state farms (NAFCO – National Agricultural and food corporation) received larger investment budget than all communal (Ujamaa) villages put together. More than 80% of the total ministerial and parastatal development budget on direct agricultural production in the plan period went to agricultural parastatal running large mechanized farms. This pattern of spending continued up at least 1990 (Freyhold 1979; Maghimbi, 1990).

The state farms were very inefficient and over capitalized. Favoring these farms and crop authorities meant squeezing the peasants or agrarian-peasants. In 1974, the third five year plan could not be launched. Agricultural production by peasants had represented the greater proportion of the country's output and now peasants production/agrarian production was staggering, stagnating or declining for some crops. Cotton production dropped from 65,500 tones in 1971-72 to 44,500 in 1981. Cashewnuts dropped from 121,500 to 43,200 sisal from 181,100 to 72,000 (Iane, 1984). The country also experienced large imports of food for the first time in 1971-72 (92,000 tons of maize). While in the following year, 53,000 tons of maize was exported. However imports reached 317,000 tons in 1974-75 and 42,000 in 1975-76(Loftchie, 1978).

The squeeze on the peasantry become worse, not only because of the government's investment in agriculture was going to state farms and crop authorities but also because peasants were not able to accumulate because of the very low producer prices offered by the parastatal crop authorities. The marketing approach of monopolistic crop authorities was that the prices paid to peasants were calculated at a residue. The residue price for the peasants was reached after the crop authorities had deducted all its other costs from the estimated gross sales at exportations (Gibbon and Neocosmos 1985). Gibbon and Neocosmos argue that the parastatal crop authorities' marketing style shifted from giving weight to the crop growers to calculating who took what, from the marketing margin. This style lent itself to the acceptance of uncritical marketing cost projections. The parastatal crop authority was able to systematically cheat the peasants out of the revenue realized from cash crops. In social analysis this "cheating" was viewed to be a consequence of the petty bourgeois form of organization of the state generally and its economic enterprises in particular. This form of organization allowed mismanagement and accumulation of wealth by individual managers of parastatals or organizations (Gibbon and Neocosmos (1985).

Many peasants become poorer due to low returns from their crops. Some peasants indulged in strategies of petty wealth creation by passing the state marketing monopolies. They attempted to sell their crops in an official markets including markets across borders. Other peasants replaced crops handled by crop authorities with crops with no marketing restrictions for example some peasants in Kilimanjaro area replace coffee with tomatoes and dairy cows. In the coast region, people

neglected their cashewnuts farms and opted for charcoal burning (Maghambi 1990).

The main argument here put forward is that many of the failed agrarian policies and practices in Tanzania lie in the petty bourgeois class character of the post colonial state. This is a state that displays the internal contradiction of petty bourgeoisie practices. Changes are needed in the agricultural policy if agricultural stagnation and decline were to be reversed. The snags that influence our underdevelopment should also be traced from within along poor management as well as poor policy-formulation dimensions.

2.8.6 Agrarian *production* and Liberalization Policies

The policies that succeeded the era state capitalism up to the present day have been describe as liberalization policies, which began in 1986 with the programme of structural adjustment. Basically, the World Bank had a hand in the policies (Mduma 2006). In the years of 1970s and 1980s Tanzania witnessed a severe food in security, decreased export earnings and general economic stagnation; this prevented the accumulation of wealth even by that small class that had formulated the state capitalism policies, which resulted in the state sponsored monopolistic companies in the form of crop authorities, state farms and regional companies were behind those changes, these policies of state capitalism were discouraging the growth of rural labor markets (op cit 2006).

Under favourable auspices of the new policy, peasants' cooperatives were allowed to operate but crop merchants were also free to buy crops from peasants. Export tax was abolished for all items and in 1993; export licensing was abolished on everything except tax on traditional exports in 1996-1997 and in 2002. Zero rated value added tax (VAT) was imposed on all agricultural imports and outputs (op at 2006).

Some peasants have taken advantage of liberalization policies to their incomes. According to the Director Registrar of cooperatives in 2009, there were 7868 primary cooperatives in the country. From 2004, some primary cooperatives decided to by pass their cooperatives union in selling coffee. This was significant improvement the Tshs 600 offered to the cooperatives through traditional markets (Mduma 2006). This agrarian farming is facing a problem country wise in forms of scale. The problem of scale is still a obstacle in the way of increased weath creation. Given the scale of production for most agrarian peasants in Tanzania, even higher prices were offered, they would remain poor, (Maghimbi, 2007).

2.9 Tanzania's Land Law Reform

Land has reappeared on the political agenda in sub Saharan African countries in contemporary ways. With growing populations, the pressure on land is increasing. Investors domestic and foreign alike contribute to the competition over land as they seek land to grow crops for the market. Conflicts over land are fierce across the continent. African governments have sought to address the challenges posed by land use and land ownership. Since the end of cold war, the primary focus is on the series of reforms that have been introduced to streamline land legislation, land

administration, and land court system and facilitate, market in land. Since 1990 at least 32 out of sub Saharan Africa's⁴³ main land state have started land reforms processes (Wily, 2012).

Land reforms have been introduced in a large number of countries in sub-Saharan Africa in the last couple of decades to streamline land administration and land dispute settlements. Prior to reforms, Countries have typically displayed a confusing mix of land law regimes, including pre-colonial customary practices, colonial land policies promoting large scale farming and post-colonial, state led redistribution and land nationalization- programs. Often this mix undermines. Tenure security: Reforms such to address the competing legal framework by simplifying and harmonizing land legislation (Perdersen, 2012) the term ‘contemporary wave land reform has been used to describe these reforms.

A crucial feature of the contemporary wave land reform is its immediate recognition of existing rights, including customary rights to land. This is important for two reasons: First, recognition of existing rights represents a break with the past, when colonial and post-colonial authorities alike seized land for development purposes, often without compensation. This reduced poor people whose rights were rarely formally recognized and documented to the status of second class citizens as compared to the wealthy who could access the formed system and secures land title-deeds (Knight 2010:7). Secondly, recognition of customary rights is important because it is applied from the day a reform is enacted. With enactment, existing is valid in land court cases and should color land administration and land dispute

settlement practices. It may still be difficult to prove customary ownership rights in practice, but *de jure*, the recognition is important.

The following important common denomination of the contemporary wave land reforms is the decentralization of responsibility for the administration of land and land dispute settlement the local level (Lipton 200; Sikor and Mullar (2009). The choice of local level institutions to administer land administration varies widely as do decentralization models in general. Finally and more controversially, new wave land reforms facilitate the registration and titling of rights to land with the dual of enhancing tenure security and promoting markets in land. Indeed the registration of rights is often an important task of the current decentralized land administration bodies and has been described as; the driving force'' behind decentralization (Wily, 2003b).

Whereas some scholars demonstrate a certain distrust towards the land markets which they see as potentially threatening the rights of the poor (Boone 2007, Lipton 2009), Rachael Knight (2010) does not see this as an inherent contradiction to current reforms on the contrary she stresses that recognition and protection of rights is important both for the poor and for establishing stable investment environments which are attractive to investors. In fact, the Tanzania's Contemporary land reform is somehow unique; basically each country chooses its own path towards the current wave land reform. In a way, Tanzania started its process in 1983, with the opening up of private land ownership after more than two decades of African socialism.

Practically, the reform came about as a response to an increase in the number of conflicts over land in the late 1980's caused by private land ownership (Sundet 1997, unpublished). A Presidential commission of inquiry into land matters, established in 1992 to investigate the increase, cited widespread confusion over and abuse of, power related to land allocations and land-services due to contradictory policies (URT 1994a, 1994b). However it was not until 1999 that the parliament passed the two land acts, the village land act governing village land in rural areas and the land Act governing land in cities and other types of land. Together with the court (land Disputes Settlements). Act from 2002, they constitute the core of Tanzania's Contemporary land reform.

Like other Contemporary land reforms, Tanzania's reform is highly complex legal framework comprising both the streamlining of existing legislation and novel innovations. Patrick MC Auslan, who drafted the Acts, distinguishes between procedural and substantive matters (MC Auslan 2010). Substantive matters describe the nature of rights and obligations. With its recognition of existing rights land, the village land Act strengthens the protection of ordinary rights-holders Vis-a vis the state by elevating customary rights into the formed legal framework. Indeed the land Acts explicitly state that customary rights of occupying are on a par with the security provided by the granted rights of occupying associated with titled land (Knight 2010) Procedural matters are about the procedures that describe the administrative and legal proceeding. Here, the reform represents a significant move forwards a more important role for the village authorities in managing natural resources (Willy 2003a 14).

In rural areas, they are part of the same broader trend towards decentralization of responsibility for the delivery of public services which has been going on in Tanzania for more than 30 years, starting with establishment of village as an important unit in the local government system in 1975 and the reintroduction of district councils in 1982 (Max 1991). Whereas the authority over land allocation between rationed, district and village authorities was not earlier on the land Acts make it clear that it is the village authorities who are responsible in the main for administering village land (Sundet 2005).

Similarly, the first step in the contemporary land dispute settlement system the village land councils is the responsibility of the village authorities. It is ironic that the village land Act vests so much power over land in village authorities when these authorities were largely bypassed in recent decades by the 1998 local government reform programme and other programmes aimed at improving service (Lange, 2008; Tidemand and Msani, 2010).

Finally the reform aims at facilitating a market in land by enabling registration of rights and the issuance of land title deeds. Indeed the reform has also been seen as first and foremost a response to an increase in demand for land administration services caused by a great demand for land (Daley 2008:72). Some scholars have described this as a vehicle for disempowerment because it supposedly strengthens the middle class and marginalizes the poor (Pollotti 2008; Shivji 1998). However the village land Act also seeks to protect the rights of women and some vulnerable groups, for instance through on sales of customary rights to land. It is Tanzania's

reform strikes a balance between creating the current legal framework for a land market and meeting the rights of Groups (Ikdhahl et. al., 2005; Ikdhahl, 2010; Knight, 2010).

Research and debates had been framed by scholars particularly when it became clear that not all the commission's recommendations had been heeded (shivji 1998; shivji and Wuyts (2008). Subsequently much research focused on the making of the reform on its contents (sundet 1997, Tsikata 2003, Auslan 2010). Thus scholars see these reforms as mere tools for national elites and international investors to grab land of the small scale land holders (Manfi, 2006; Moyo 2011; Amanor 2012).

Another body of literature focused on the analysis and interpretation of the Contemporary legal framework. Thus Lic-Alden Wily had made a very positive evaluation of the land Acts for their devolution of administrative power set the tone (Wily 2003a) in the same of thinking, Fimbo was somehow worried about the reform's land market elements (Fimbo, 2004). In the similar vein, Ingunn IKdhahl and Rachel Knight's rather positive evaluation of the protection of the land right of vulnerable groups, Knight is equally positive with regard to the reform's rural elements and included this because of its strengthening of customary rights. She pointed that not recognizing rights may disadvantage the poor and 'relegates' them as to status as second class citizen (Knight, 2010).

Other research were Bruce and Knox (2008) who based their observation on figures from a representative from the land users, households and human settlements plus comparing insight from experiences with decentralization reforms in 8 African

countries and noted that very little implementation had taken place in Tanzania. The program initiated by Tanzania's former President Benjamin Mkapa. It meant, enhancement of economic growth and improvement of the poor is possible through formalization of property; that is issuance of title deeds which will enable the poor to get their land as collateral for credit. Ole Kosyando participated in two of the 'MKURABITA'. Pilot project as an NGO-representative: Kosyondo wrote about his experiences. The project was to test innovations within implementation and land administration. He said that the rushed character of the pilot project plus lack of understudy of the importance of local capacity caused many mistakes, made the programme - target to face problems.

2.9.1 The Implementation of Tanzania's Land Reform

The implementation of Tanzania's Contemporary Land Reform has proved to be slow, uneven and to a large extent-profit-driven (Perdersen 2010, Seled and Burns 2012). The late defining of the strategic plan for the implementation of the land laws (SPILL) in 2005 and lack of funding provide part of the explanation why, from the outside. It was estimated that SPILL would cost over 300 billion Tsh. of which only about 3 billion are foreseen to come from the ordinary Government budget. Consequently, the remaining 297 billion would have to come from outside the government budget (Haki Kazi in collaboration with experts from the ministry of land, July 2006). By May 2012 two and half years before the end of SPILL, Only around 17% of the planned 300 Million had been spent (Byamugisha 2013) equally important to underfunding is that is the lack of coherence within the land

administration structure (Pedarson 2013), Decoupling implementations and consequently institutionalization over time.

2.10 Policy Review

2.10.1 National Policies- Governing Land Resource

In principle, policies are proposed as a response to addressing and overcoming identified problems. The whole process is to try and ensure that the root causes of problems are identified and subsequently addressed in the design of a policy. Generally, ideas may originate from individual, communities, organizations; NGO's. These ideas are then worked up to become policies (Mattee, 2007). The history of land related policies in Tanzania could be traced far back in history where Hayuma and Conning (2004) argued that Tanzania, initially was subjected to colonialism and the land holding related policies were based customary land laws of different tribes (in all 120 tribes in Tanzania). Thereby, the title of land was based on traditional and customs of respective tribes. Ownership of land was predominantly communal owned by a tribes; clan or family; chiefs, headmen and elders had power on land administration in trust for the community. Theses powers continued through to colonial era though they were limited by the newly introduced Germany and later the British land tenure policies under which all land were declared to be subjected to the crown. Customary land tenure is still in place to this date but since 1963, the chiefs, headmen and elders were replaced by elected village councilors (Fimbo, 2000).

Upon attainment of Tanzania mainland political independence 1961, the government realized that there was a need to develop a coherent and comprehensive land policy that would define the land tenure and enable proper management as well as

allocation of land in both rural and urban areas. Further on, it is argued by Hayuma and coming (2004) that such land policy could help to accommodate changes in land use and increasing human population in the country, control of large –stock population which indeed increased demand for grazing land and created serious land degradation and protect environment from extension to marginal areas. From such an instance this land policy forms cross-section that automatically works in collaboration with other policies in order to satisfy her basic objectives.

2.10.2 Policy Instrument Governing Access of Land Resources

A number of newly introduced policies, strategies, laws and other planned initiatives have direct or indirect impact on land use in terms of agriculture grazing animals plus livelihood. These included policies dealing with overall national developments:

- (i) The national strategy for growth and reduction of poverty (NSGRP) of 2004
- (ii) The rural development strategy (RDS) of 2001
- (iii) The agricultural sector development strategy (ASDS) of 2001

The NSGRP (2004) recognizes the need to institutionalize community participation rather than as a one- off event. This offers an opportunity for land users to engage with government in various policies and strategies. This NSGRP recognizes farming as well as pastoralism as most sustainable live hood. Thus NSGRP (2004) further promotes efficient utilization of rangelands and aims at empowering land users institutions promote programmes that will increase income generating opportunities for women and men in rural areas; it also promotes services delivery for example construction of dams, improve access and quality of veterinary services, ensure

improved access to reliable water supply for livestock and human being at large basically land users right are easily asserted.

RDS (2001) because of the pastoralist habits, consider pastoralist to have negative consequences like land degradation due to overgrazing land use conflict and spread of animal diseases. It proposes resettling pastoralists on permanent basis by identifying and demarcating pastoral land. It considers sedentarization as way of addressing the problems of land users mainly pastoralists.

The ASDS (2001) aims at the creation of enabling and conducive environment for improving the productivity and profitability of the livestock sector as the basis for improved farm income and rural poverty reduction. The main purpose of ASDS was to create a favorable climate for commercial activities and clarifying public and private roles in improving support services. ASDS recommends stream lining procedure for gaining legal access to land in order to make it possible to use land titles as collateral for loans. The implication of this strategy is the increase use of land alienation from local communities and increased potential conflicts among various resources users including pastoralist plus farmers

Policies and laws dealing with conservation and pastoralism as well as farming were: The environmental management ACT of 2004, the wildlife conservation ACT No 12 OF 1974 (as amended in 1978) and The wildlife policy of Tanzania 1998. The main objective of the environment management Act of 2004 is to promote the enhancement protection conservation and management of the environment. This Act identifies a number of areas as sensitive and closed for livestock keeping occupation

and cultivation. The act is not clear a measures to be taken in supporting and preserving mobile pastured system to help in conservation of land resources and politically natural resources and cultural heritage.

The wild life conservation Act No 12 of 1974 (as amended in 1978) grants power to the government to dispose pastoralists of their lands but it is silent on what should happen to those who had traditionally relied on such lands, either by way of compensation or otherwise. Furthermore, the act places severe restrictions on accessing land declared a Game Reserves or Game controlled area. Most of the protected areas in the country are either pastured land or were used by the pastoralists in the past. The wildlife management policy 1998, while promoting local community participation in conserving and exploiting wildlife resources also facilitates the marginalization of pastoralists by encouraging more land to be brought under wildlife conservation at the expense of pastoral activities.

The above elaboration on marginalization of pastoralists, agro-pastoralists was stressed more by Bernstein (2005) when he gave a remark on consistency with related to peasants' land being alienated by ruling hegemonies by giving unfounded causes. Furthermore the following policies directly or indirectly affect agriculture as well as pastoralism.

The overall aim of the National policy 1995 (URT, 1995) is to promote and ensure a secure land tenure system to encourage the optimal use of land resources and to facilitate broad- based social and economic development without endangering the environment. Some of the specific objectives of the policy includes promoting an

equitable distribution of and access to land by all citizens and ensure distribution of and access to land by all citizens and ensure that existing customary rights of small holder peasants and herdsmen are recognized, clarified and secured in law. Others are streamlining the institutional arrangements in land administration and land disputes adjudication and also make them more transparent

The village land Act of 1999 (URT, 1999) recognizes customary rights of occupancy for which a certificate may be issued and communal village land that could be shared between pastoralists and agriculturalists. However, while this Act provides opportunities for security of tenure by small holders but customary titling may extend to the individualization of land holding and will interfere with communal use of pastoral resources. This will amount to fragment the commons, which will interfere with traditional arrangements for utilization of common grazing resources. Its enactment and the repeal of the range development and management Act, 1964 and the rural lands (planning and utilization) Act of 1973 pose a great threat to pastoralists live hoods.

The Tanzania investment Act of 1997 (URT, 1997) allows non-citizen to own land for the purpose if investment. Its enactment was followed setting aside land Bank under TIC. This in effect will take away land already occupied by people such as nomadic- pastoralists and other vulnerable communities; the grazing lands and Animal Feed Resources. Act No 3 of 2010 (URT, 2010) Aims at increased productivity of Tanzanian's rangelands and livestock sector. The Act proposes to establish range development areas, where rangeland development shall be installed, used maintained or modified in a manner consistent with multiple use management.

However such vision fails to accommodate the highly dispersed and unpredictable nature of natural resources in Tanzania.

2.10.3 The Ujamaa Village Related Policies

The Arusha declaration of 1967 was unambiguously committed to the country to the ideals of equality, socialism, and self-reliance and gave rural development paramount importance of attaining these objectives. It was followed by a number of policy directives and measures. A policy of the Village and Ujamaa Villages Act of 1975 (URT, 1975) marked a formal distinction between a village and Ujamaa Village. The Ujamaa Village is a village, which has advanced, sufficiently in its socialist style of life (producing collectively and sharing the produce in common) and its merits to register as such. Upon registration the Ujamaa village is expected to conform to a certain political organizational structure and it becomes eligible for certain benefits like; Credit facilities. The village however is regarded as only having taken the very first step towards ujamaa living (International Labour Office, 1978).

2.10.4 Institutional Framework and Functioning of the Village Economy

A major landmark is the villagisation – movement, which is the villages and Ujamaa villages, Act of 1975. This provides the legal basis of the institutional framework of the villages. The Act makes provision for the registration of the village by a Register, there by conferring legal status and considerable powers on a village. The village is deemed to be a multipurpose cooperative society. The Act, further provides for the constitution of a village assembly, consisting of all persons aged 18 years and above and a village council to be elected by the village assembly. The village council is empowered to do all such acts and things as are necessary or expedient for the

economic and social development of the village. It can plan and coordinate the work of villagers engaged in agriculture; take of the land allocated to the village and other activities. It is also empowered to set up committee dealing with such subjects as finance and planning production and marketing, education, culture social welfare, all activities are undertaken on a communal basis (op cit, 1978).

No country wide figures are available on the division of land between communal and private cultivation. But in the great upsurge of villagisation since 1974, the normal pattern has been the settlement of villagers on individual plots and cultivation of block farms or individual plots except for the more “advanced “it would seem that private plots account for the preponderant proportion of land under cultivation. Variation in land use pattern and the division of labour rules out any sweeping generalizations in this respect.

In some villages by- laws have been enacted by the village council requiring compulsory work for a specified period on communal farms or other activities while in others only a proportion of the population participates in communal farming. The rest work on private farms, The Ujamaa villages policies were so ideal in the sense that people worked on land peacefully whereby farmers, pastoralists were living peacefully; separating areas for farming and livestock development (Mascrenhas, 1979).

Progressive scholars have done great work to explain the usefulness of the institutional framework created by villagisation, to have offered some evident advantages in accelerated and equitable rural development in the following ways:

The restriction of private land holdings to about three hectares greatly limits the scope for economic differentiation among the peasantry; but differences would still exist because of yield variations and more importantly because of differences in cropping patterns; nevertheless the creation of villages represents a major effort to redistribute land from the more wealth to poorer farmers; thus contributing to a more egalitarian distribution of rural incomes, particularly in the relatively wealthy and densely populated area where economic differentiation has been more pronounced with the gradual increase in the importance of communal activities, the forces as to purpose workable solution for the problems that were caused by establishing of Ujamaa villages for example where there were surplus land , shifting each household to sizeable plot of land was done. Usually three hectors such a way that each farm- stead was surrounded its farm; this idea minimized environmental hazards of concentrated villages. The villages adopted land use management style.

Finally in area where mixed farming was done, large areas of land were left as permanent residences. It was believed that concentrated villages had added advantages of getting changes/new innovation in agricultural practices and introduction to new styles dealing with environmental /land hazards by following an integrated way.

2.11 The Knowledge Gap

Over and above, the literature shows that the Land Resources Management strategy (LRMS) have their origins in the international conventions and paradigms - shifts in land Resource Management strategies which are in most cases adopted without a

critical analysis of their national compatibility with existing situation in the recipient country (Chikozho, 2016).

Historically, the Literature reveals that community leadership was guaranteed, as well as land- access; land tenure security was therefore not individualized but was provided in collective way through clan, tribal leadership, (Kjeksus, 1977). The issue of land use and production for each homestead was given priority over ownership. The Literature tells us that many sub-Saharan Africa; individuals land right was respected within the communal land ownership – right. Individual family enjoyed fairly, clearly, defined spatial and temporal rights over different parcels of cultivated land and such family rights were transmitted to succeed generations in accordance with prevailing rules of succession which ordinarily allowed dividable inheritance, (Adholla and Bruce, 2009).

During the Germans colonial rule 1.3 million acres of the customary land was alienated as contrasted to 3.5 million acres of the customary land during the British colonial rule. These colonizers introduced the right of occupancy and could only be granted by the governor; Mackerizie (1988) Chonock (1985). Colonial interventions declared all land as “not owned” left many natives labeled as trespassers on their ancestral lands.

At Independence, Tanzania inherited the colonial laws and policies that had been in force on the land question. These continued to rest in the state as the ultimate landowner without any significant modification, upholding the new order such as the leasehold system where these existed. Land reforms were to the politics of the day but were largely cosmetic and often of trial and error type of land administration and

reforms worked towards often diminishing influence of customs and tradition of local people, (Coulson, 1982).

Along such interpretations, Olukoshi (1997) indicated that excessive emphasis on formalizing property rules is diversionary and irresponsible in African land context. It is true that from titling programme those small holders have somehow gained access funds for investments while undermining communal ownership system and fail to reduce litigation. In fact, the people have challenged the basis on which property rights are acquired through titling.

Thus, the critics of de-Soto programme-views have aggravated the existing inequality producing more rather than less insecurity for many land dwellers. Above all, it is feared that the de-Soto inspired approach will replay these processes by accelerating market based or land – transfer with potentially negative consequence for the poor land users or land occupiers of land rights prone to distress sales (Chimhowu and Woodhouse (2006). However, there is no proper Institutional arrangement related to agrarian systems to ensure their continued access and use overtime.

It is against this background information as stipulated above; the controversies that are confronting poor small land holders are vividly being created day after day by state bureaucracy and Petty bourgeoisie. The contradiction between the two groups have determined the future agricultural development in the country henceforth their failure to solve their differences has resulted into marginalizing these land users or farmers up to this date. No discourse has shown categorically that the contemporary regulations in Tanzania have helped the poor land users or poor landholders. The

overall review shows that there is little theoretical, conceptual or empirical Literature on rural land management Institutions in Tanzania to guide policy makers on how to develop efficient and equitable Institutions to serve communal farmers and pastoralists from the study area e.g. Missenyi and Muleba districts. This is the research gap that the study attempted to fill. The above context has attempted to describe the research gap.

2.12 Summary

Generally, the literature review has shown real role of informal and formal arrangements at large but the operation of these arrangements are not strictly impartial, particularly formal arrangements. In the whole process of operation related to formal arrangements the poor small land holders have been denied of their land rights in terms of access, ownership, use or transfer of land. Secondly there had never been initiatives to rectify this embrassments over land perspectives since the colonial times up to date. It is my thinking that land policies today should affirm existing rights in land holding especially customary rights of small holders in rural areas. The rights should also be recognized, clarified and secured in law. Policies must also provide for provision of civil Education aimed at increasing awareness on land information-management.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Overview

This chapter describes the methodology that the researcher used in conducting the study. It also outlines the research study area, design, sample size and sampling techniques, data collection methods and data analysis.

3.2 Description of the study Area and Justification of the Study Area

The study was conducted in two districts of Kagera Region, namely Muleba and Missenyi, located in interlacustrine area.

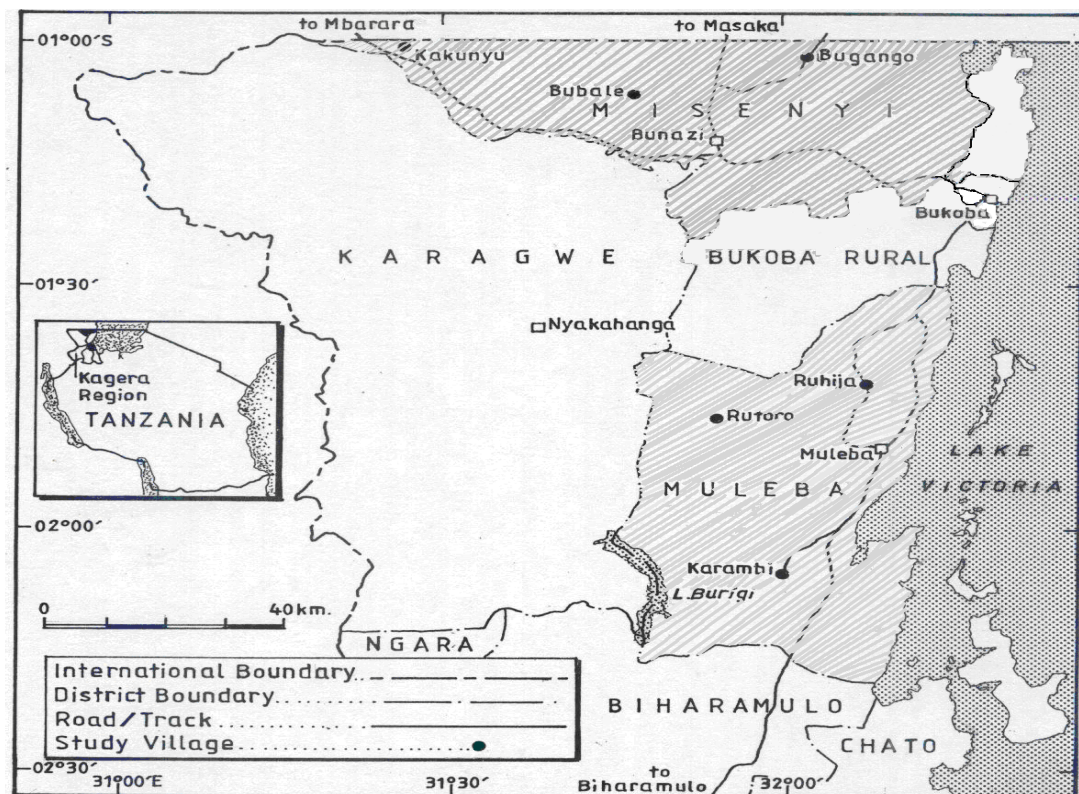
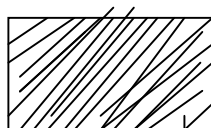


Figure 3.1: Map of the Study Area.

Key : ● denotes study- villages



Denotes study districts

The study area has been selected due to two basic reasons; in the first place there has been a lot of land use conflicts and disputes in the two districts. Secondly, the areas have rich experiences in land governance issues, which were historically well managed under traditional centralized chiefdoms. Figure 3.1 is a map of this study area. Missenyi district; boarder Uganda on the North and Karagwe district on the the west.

3.3 Study Population

The majority of the people in the study area are of Bantu ethnic background. The Haya – people constitutes the major ethnic group in both Muleba and Missenyi district (Raining, 1972). According to population census of 2012, Missenyi district is the second heavily populated district in the region with 386,328 people. Among the two districts, Missenyi district exhibits the highest population growth rate (42%). The population of Missenyi district is said to have increased by almost (50%) with a decade.

It is also known from that census records that, it is likely that the population pressure on land has been caused by movements of people who move from other neighboring countries such as Rwanda, Burundi and Uganda. This has also apparently contributed to an increase of the population in Missenyi District as well as Muleba district.

3.4 Study Design

The study employed a cross-sectional research design that entails collection of data at one point in time, i.e a snapshot of data collection This design was selected because is least costly in terms of time and other resources.

The study further adopted a descriptive research approach. The main purpose of descriptive research is explanation of a state of affairs as it exists. The researcher reports the findings, however, Kerlinger (1969) points out that descriptive studies are not only restricted to fact – findings but may often result in the formulation of important principles of knowledge and solution to significant problem. They are more than just a collection of data. They involve measurement, classification, analysis, comparison and interpretation of data.

3.4 Sampling Procedure and Sample Size

3.4.1 Sampling Procedure

A purposive sampling was adopted for selecting respondents in this study. The respondents were drawn from different categories of farmers in the study villages through simple random sampling. Three villages were selected purposively from each of the study district. The villages with high incidences of land –use conflicts were earmarked for this study.

The village government, ward and district officials considered as information rich individuals were selected as key informants including: Village chairmen (one from each village), Village land tribunal officials, Ward executive officers, Ward land tribunal members, district land officials, district land court officials, the District Magistrate, Advocate,

3.4.2 Sample Size

Three study villages were selected purposively from each of the study district. A non-probability approach was employed to select the respondents from each study

village. The sampling frame was most recent official register of names of residents for each study village. A rotary method was used to select names of 22 respondents from each study village. The name of each family head was given a unique number starting at one, the number was written on separate paper, then folded separately and mixed up in a box. Thereafter 22 names were picked at random from a box in each study village. A total of 66 and 67 respondents were selected from Muleba and Missenyi districts, respectively.

3.5 Data Collection Methods

The primary data were collected by using the following methods: Interviews, questionnaire survey, Focus Group Discussion (FGD), non-participant observation.

3.5.1 Key-informant Interviews

Face to face communication and discussions between researcher and respondents were of crucial importance in adding to investigations a sense of reality that accrues from dimensions of human interactions and human dynamism that gives analysis, interpretation of prospective, events and added advantage of third party views as well as feelings. This is a two-way systematic conversation between the researcher and the informant, initiated for obtaining information relevant to the specific study (Kadder, 1981). In order to supplement the information from the questionnaire, the researcher conducted in-depth interviews with key informants.

The key informants are the knowledge rich individuals in the study area. Key informants were carefully selected within the local study areas on account of their acquaintance with the local area and their intimate knowledge of the Institutional

arrangements related to land issues. These included the village chairmen and Ward officials the village tribunal officials Ward tribunal officials District land officials, Ward land officials, District-Court officials, District land Court magistrate and a Judge of the high Court.

3.5.2 Focus Group Discussions

The Focus Group Discussions are like interviews but this method is more focused to particular or specific people. The aim is not to replace the interview method but rather to complement it (Kreuger, 1988). The members of focus group discussions were selected adult females and adult- male- individuals. Discussion groups mainly address issues that required a collective memory are like interview, but this method is more focused to particular or specific people. The members of the focus group discussion were selected purposively. In this study, the focus group members were composed by females and male adults.

A Focus discussion group (FGD) was formed in each of the study villages. Each group consisted of ten members including: five males, five females. The groups ensured a gender balance and inter-generational representation by including the females and youth. The FGD were guided by a checklist of questions to address the emerging contentious issues in the study villages.

3.5.3 Non- Participant Observations

Observations are the most obvious advantage in the facilitation of the researcher's eyes and mind in sensing, feeling and getting full impression on the subject of the study. Observation enables the researcher's sight to complement the other four

senses of (hearing; touching, feeling and even tasting in gaining a comprehensive understanding of the study that is made possible by an interplay of those sense in one's interpretation; conclusion; prediction or action. The direct observation of land use activities and local communities interactions was carried out in order to establish the relationships of local communities and their interactions when utilizing the land resources

3.5.4 Questionnaire – Survey

The questionnaires are considered to be the most effective means of data collection. The researcher developed open and closed ended questions to be included in the questionnaire. Closed ended questions were prepared in the form of multiple choices where the respondents were supposed to tick in front of the appropriate choice. Open – ended questions allowed the respondents to answer the posed questions in employing space provided in the questionnaire – method such as effectiveness in data collection, respondents answer in their own words and respondents have adequate time to give well thought out answers. The questionnaires were administered to a total sample of 308 from the six villages, local government-officials and investors from Muleba and Missenyi-districts. Two research- assistants assisted in administering the questionnaires to the respondents.

3.6 Secondary Data Collection

The documentary review was conducted to obtain information relevant to this study. The documents reviewed include the village meeting reports, ward land tribunal reports, village maps, farmland sketches; the district land departments reports, and the district land court case reports.

3.7 Data Analysis

Prior to the processing of data, data collected from the field has been checked so as to ensure that all information has been properly collected and recorded. Data has been also checked for completeness and internal consistency. Data has been ordered in relations to the objectives and research questions. Respondents' answers with similar characteristics or patterns have been categorized or labeled.

For the purpose of discovering underlying meaning and patterns of relationship, non-numerical qualitative analysis and interpretations methods were used. The most common form of tables display of qualitative data were used plus other displays such as interview- results and focus-group discussions views. In ordering information in many ways such as according to location of data collection and reason for certain trends.

Some qualitative data has not been reduced to tables but it has been included in the write – up. This has included direct quotation from informants in their local language, which means, I sometimes made use of professional language translator. Quantitative data were analysed using of SPSS version 13 software.

3.8 Data Quality Control and Ethical Consideration

Prior to data collection process the research assistants were trained on data collection and the questionnaires were pretested in a pilot study. This is important for ensuring accuracy level of data collection. Additionally, as a matter of ethical consideration, an informed consent has been sought from the relevant personnel before beginning data collection process.

CHAPTER FOUR

RESULTS AND DISCUSSIONS

4.1 Introduction

This chapter is organized in sections. The sections include, land uses in terms of farmhold characteristics. It also elaborates existing land tenure systems that influence access to land. Others include the strategies used to strengthen the existing formal arrangements in the administration of land resources. This chapter also evaluates the actual evolution of customary arrangements in land resources management.

4.2 Land uses Characteristics

The results in Table 4.1 show that the majority (72.7%) of respondents in Muleba were practicing small holdings–farming. Other land uses were gardening (13.6%), pastoralism (6.1%) and Agro-forestation (7.6%) pastoralism was the least practiced in Muleba District.

Table 4.1(A): Responses on Main Land uses in Muleba District

Land use type	Number of Respondents	
	Muleba District n=66	
	Frequency	Percent
Farming	48	72.7
Pastoralism	4	6.1
Small hold gardening	9	13.6
Afforestation	5	7.6

Total	66	140.0
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Source: Field Result 2010

Table 4.1(b): Responses on Main Land use-activities in Misenyi District

Land use type	Number of Respondents	
	Misenyi District n=67	
	Frequency	Percent
Farming	27	40.3
Pastoralism	2	3.0
Small- holding gardening	33	49.3
Afforestation	5	9.9
Total	67	100.0

In Misenyi District, on the other hand, the majority of respondents were practicing smallhold gardening (49.3%), farming (40.3), where as Agro-forestation was carried on by a small number of respondents (74%). Pastoralism was practiced by (3.0%) of respondents. The communities under study are predominantly rural and highly dependent on land resources for sustenance. This is a typical characteristic of agrarian systems, where the majority depends entirely on agricultural production to meet their livelihood requirements.

It was noted that this typical state of affairs was caused by different factors..Key-informants who were interviewed from the study area revealed that the farming-land used to be abundant and people were used to cultivate on substantial sized farms which guaranteed self sustaining economy. It was also disclosed by these key-informants that at the arrival of the Germans and British- Colonialists, indigenous people were forced to be victims by being placed under the yoke of perpetual exploitative relations of production. Alienating the local peoples' lands was an order

of the day. It was concluded by these informants that such: ..”*circumstances, have marked the starting point of land scarcity up to date*”. Thus..... “*this evil behavior to our land has been worsen by establishing unfriendly land policies, regulations as well as related laws and land acts*”... the Key informants deliberated.

4.2.2 Farm Holdings Characteristics

It has been revealed by the data from the study area that dominant land holdings in Missenyi district ranges from less than one acre (19.7%); 1-2 acres (10.6%); 2-5 acres (7.6%) to above 5 acres (7.6%). This is indeed an alarming situation as most of respondents own very small pieces of land. Similarly, in Muleba District, the distribution of farm- holdings size was not promising either because the number of people owning reasonable acres of land was small. As pointed out by 10.6% of the respondents, most of the people own between 1 and 2 acres, (7.6%) own between 2 and 5 acres and only (7.6%) own more than 5 acres.

On the other hand in Missenyi, the distribution of land holding was not far from the worst. Findings show that 13.4% of the respondents own below 1acre; 1.9% own 2 to 5 acres; only 6.1% own more than 5 acres whereas 34.3% own between 1to 2 acres. Results shown above in words imply that land parcels owned by respondents from both districts are very small. Such small land holdings suggest unsustainable land parceling, which is caused by high population increase as well as land fragmentation.

This may in turn, affect the peoples’ livelihood and tranquility. If people cannot get expected opportunity of exploiting the land for their survival, the impact of land

fragmentation is terrible in the sense that it hinders agricultural mechanization and causes insufficiency in production as commented by (Maghimbi, 1999b, Majafi 2013).

The first fundamental implication is that peasant agriculture is facing two processes which prevent growth at grass root level, due to limited land for farming and contradicting customary law, guidelines. These policies have helped the minority in this society to accumulate wealth through the sale of surveyed lands. This means that the minority business in land does not provide chance for the majority to benefit on this business. This state of affairs has been noted elsewhere (Maghimbi and Senga, 2003).

Secondly, the results imply that land parcels owned by respondents in the study area are very small landholdings, this shows an indication of unsustainable land parceling, which is necessitated by population pressure increase. This may in turn affect the people livelihood and can result in high level of social unrest if people cannot get expected opportunity of exploiting the land for their survival. This is equally argued by Robert and Kanaley, (2006) when clarifying case studies from Laos, Indonesia, Malaysia and Thailand, explaining their local government implementing effective land use arrangements that limited land fragmentation.

4.2.3 Main Sources of Income in the Study Area

Table. 4.2 show that 29.5% respondents said that the majority of the people from the study area depend on agricultural production partly by working as wage labourers in

commercial coffee banana farms or working on family plots as pointed out by 23.7%.

The results from Table 4.2 indicate the collective action, sort of spirit, towards work or labour in different forms. Each household member is involved in either activity to earn a living as wage laborers on commercial farms or as working on family farms. On the other hand, some household members decided to engage in business or selling agricultural products or rearing animals and selling animal products. Finally some household -members indulged in casual labour.

Table 4.2: Responses Distribution of Opinions on Sources of Household Income

Opinions on Sources of Household Income	Number of Respondents Muleba and Missenyi Districts (n= 139)	
	Frequency	Percent
Wage labour in commercial coffee – Banana farms	41	29.5
By working on family farms	33	23.7
Petty Business	21	15.1
Selling Agricultural products and rearing Animals	30	21.6
Sales of animal products	8	5.8
Casual labour	6	4.3
Total	139	100

This approach enabled household members to survive despite of ruthless capitalist exploitative relations of production that was superimposed on our society. Generally, this attitude showed a constructive or positive response towards the created challenge by the capitalistic relations of production that have impacted the agrarian system negatively through land alienation.

Table 4.3: Response Distributions on Household Livestock Ownership

Livestock type	Number of Respondents				Total	
	Muleba District (n=66)		Missenyi District (n= 67)			
	Frequency	Percent	Frequency	Percent	Frequency	Percent
Cows	28	42.5	29	43.3	57	42.9
Goats	18	27.3	29	43.2	47	35.3
Sheep	9	13.6	6	9.0	15	11.3
Chicken	3	4.5	2	3.0	5	3.8
Pigs	8	12.1	1	1.5	9	6.8
Total	66	100	67	100	133	100

Source: Field Results (2010)

4.2.4 Livestock Ownership in the Study Area

There is generally differential distribution of livestock ownership in the study area. Where by respondents owning livestock in Muleba district (42.5%) owned cows; (27.3%) owned goats; (13.6%) owned sheep; while (4.5%) owned chickens; in Missenyi districts (43.3%) of respondents owned cows; (43.3%) own goats; 9.0% owned sheep; 3.0% owned chickens and finally (1.5%) owned pigs so the highest rates of livestock owned by the majority of respondents were the cows, their main reasons for owning livestock were presented in Table. 4.4.

Table 4.4: Responses Distribution on Reasons for Livestock Ownership in Study Area

Reasons for Raising Livestock	Number of Respondents Muleba and Missenyi District (n=133)	
	Frequency	Percent
Raise Capital	85	63.9
Inheritance	5	3.8
Improve living standards	43	32.3
Total	133	100

4.2.5 Reasons for Keeping Livestock

Findings in the Table. 4.5 show that respondents had different reasons for keeping livestock. As revealed by 63.6% of the respondents, the majority of farmers were keeping livestock with prior intentions of rising their capital just to strengthen their financial position in order to get involved in commercial activities. Furthermore, 3.8% of the respondents said farmers were keeping livestock obtained from inheritance while 32.3% of the respondents said that farmers keep livestock in order to improve their living standards.

Table 4.5: Reasons for Raising Livestock as Revealed by FGD

Reasons for raising Livestock	Muleba District				Missenyi District					
	Karambi Village		Luhija Village		Bubale Village		Kakunyu Village		Bugango Village	
	Score	Rank	Score	Rank	Score	Rank	Score	Rank	Score	Rank
	F/M: (20)	F/M: (20)	F/M: (20)	F/M: (20)	F/M: (20)	F/M: (20)	F/M: (20)	F/M: (20)	F/M: (20)	F/M: (20)
Raising capital	16	2	15	2	12	2	14	2	10	2
Inheritances	12	3	13	3	11	3	10	3	9	3
Improve Living Standard	18	1	16	1	17	1	15	1	14	1
Supply animal products	11	4	11	4	10	4	9	4	8	4

Source: Field Results (2010)

Key: F----Means Female,M---Means Male, FGD -Means Focus Group Discussions

Similar reasons for keeping livestock were pointed out by respondents in the focus group discussions. More specifically, findings from two third of the respondents (

See Table(4.5) revealed that raising of livestock enabled land users to improve their standards of living despite a number of challenges facing livestock keeping in their villages. The focus – group discussions results show that most of study villages, members raise livestock as a capital resources for improving their living standards. Keeping livestock for the purpose of improving the nutrition status was ranked very low.

On probing further, during the interview with Key–informants especially the village chairmen, it was revealed that: “respondents wanted to establish their local market for their animal products such as meat, skins and milk. Some of the village members were sellers and others were buyers. It was believed that this would facilitate business among village–members”.

Table 4.6: Responses Distribution on Limitations of Raising Livestock

Limitations	Number of Respondents				Total	
	Muleba District (n= 66)		Missenyi District (n=67)			
	Frequency	Percent	Frequency	Percent	Frequency	Percent
Poverty	7	10.6	24	35.8	29	21.8
Inadequate grazing land for livestock	34	51.5	20	29.9	54	40.6
Lack entrepreneurial skills	25	37.9	25	37.3	50	37.6
Total	66	100	67	100	133	100

Source: Field Results (2010)

This trend could be looked upon as market processes transactions. This stage was reached at by village – members after being fed up by being exploited to the

maximum in selling their limited amount of coffee to their respective cooperatives where they were highly taxed.

4.2.5 The Challenges Faced by Livestock Keepers

Findings from Figure 4.6 show that 37.3% of the respondents identified lack of entrepreneurial skills as one of the main stumbling block in livestock keeping. Nearly, 51.5% and 29.9% of the respondents from Muleba and Missenyi respectively said that inadequate land for grazing was one of the main problems in relation to livestock keeping. Finally, 10.6% of the respondents from Muleba and 35.8% of the respondents from Missenyi said that the prevalence of poverty is one of the problems that faced the livestock-keepers in the study area.

Table 4.7: Responses on Challenges Faced by Livestock – Keepers

Presence of land shortage	Number of Respondents				Total	
	Muleba District (n= 66)		Missenyi District (n=67)			
	Frequency	Percent	Frequency	Percent	Frequency	Percent
YES	66	100.0	65	97.0	131	98.5
NO	-	-	2	3.0	2	1.5
Total	66	100	67	100	133	100

Source: Field Results (2010)

Generally, there were a number of problems that face livestock keepers today as it was substantiated by key informants particularly village- chairmen who argued that this neoliberal era has witnessed the articulation of new forms of land alienation and their technical disguised features. They stressed that the outcome of the said new forms of alienation has completely changed land ownership that is based on private basis.

As the result of that, they added that no more of open- land or communal land. Land is tied to specific individuals, land hoarding is an order of the day; and land is held under speculative purpose; small pieces of land are parcelled out by children of peasants. Over and above, they concluded by saying that the government in power has failed to prioritize the needs of the land users' practically; Though they argued that the government officials claim that prioritization has already been done on paper work or at theoretical level.

A similar assignation was given by Robert and Kenaly (2006) who argued that the prerequisites of the community will normally tally with positive land use procedure which will be accepted by the majority. This academic assertion amplifies, accordingly the situation faced by the local communities in the study area where the land use programmes are distorted by the government through land use and town-planning procedures, the village around Muleba Township were forced to shift from their ancestors land in order to give way for an expansion of Muleba Township by 1992.

From the above account, the government accountability and efficiency is lacking whose outcome is nothing but poor land governance. A factor that may discredit our government if this scenario is examined.. in terms of expected national integrity. Furthermore the community members in the study area face a perennial land shortage Fig. 4.9 shows, the perceived land shortage in the study area. A large number of respondents in both districts reveal that there were land shortages. The majority of

respondents (97.0%) in Missenyi and (100%) from Muleba districts reported prevalence of land shortage in the area and only a very small proportion of three percent of respondents said that there was no land shortage as such.

4.2.6 Perceived Land Shortages in the Study Area

Overall, findings show that 97.0% of the respondents in the study area revealed a prevalence of land shortage. A noticeably small number (3%) of respondents refuted the existence of land shortage in the study area. Additionally, findings from Key Informant Interview revealed a similar situation. More specifically, Village Chairman said that:

“ there was substantial open grass land, forests that have been grabbed and expropriated by individuals these individuals do not allow any body to utilize it in anyway” (10th – 15th July 2010).

This could be a plausible reason as to why a small group of respondents. “land users” from Missenyi who said that there was no land shortage in true sense. Despite of such varied perceptions on land shortage, the material conditions in the study area showed that people were physically facing an acute land shortage even from more observation that could be noticed. This observation was substantiated through verbal communication where people talked among themselves on issues related to land governance in the study area. To such instances, Bruce and Adholla (2002) argued that separating the have not and the rich people could be facilitated by having strata... in human community. The outcome of which opportunity for the minority in a community. This state of affairs has created untrustworthy style of the modern process, related to land acquisition. The issue of land shortage is clarified by Gruneworld (2013) that it could be resolved by implementing land reform process by

including the institutional framework programme, design implementation and finding issues. Land reform should not be about redistributing land but rather needs to be viewed as whole basket of services that include supply of inputs; marketing services, financial services and research.

Table 4.8: Perceived Land Shortages in the Study Area

Reasons	Number of respondents				Total	
	Muleba District (n=66)		Missenyi District (n=67)			
	Frequency	Percent	Frequency	Percent	Frequency	Percent
Destitution	14	21.2	2	3.0	16	12
Deficiency in land policy	50	75.8	65	97.0	115	86.5
Others	2	3.0	0	0	2	1.5
Total	66	100	67	100	133	100

Source: Field Results (2010)

The above mentioned view point was summarized by opinions from Key Informants' Interview from both districts (Muleba and Mussenyi). More clearly, they said:

... "the contemporary land law has not been in line with the principles of fairness and equity as far as land distribution is concerned"

or this land law is said to be on principles far removed from the local principles for land management, thus it has resulted in a situation of legal pluralism giving rise to many contradictions.

In view of data in Table 4.8, most of the respondents (75.8%) from Muleba mentioned the inadequacy of the existing land policy and Acts in promoting equity. The existing land policy and Acts have not helped to promote equity among land users. 21.2% of the respondents said that destitution was another cause as contrasted

to 3% of the respondents who had different views on the causes of land shortage, including population pressure. On average, the issue of land laws deviating from its basic characteristics of fairness deprives indigenous people, the decision and rights to the use natural resources such as land. The outcome of which create retrogressive process of production relations over the life style of the local land users.

Table 4.9: FGD Scores on Reasons of Land Shortage in the Study Area

Reason	Muleba District				Missenyi District					
	Luhija Village		Karambia Village		Mugango Village		Kakunyu Village		Bubale Village	
	Score	Rank	Score	Rank	Score	Rank	Score	Rank	Score	Rank
Planned Procedure	13	2	12	2	11	2	14	2	13	2
Unplanned Procedure	11	3	13	1	3	3	6	3	2	3
Colluding with land officers	16	1	9	3	17	1	16	1	15	1

Key: F/M means Female and Male combined, F--- Female, M---- Male, FGD— Focus Group Discussions

This has also been stressed by Nelson and Sulle (2013) who have warned the state hegemonies by cautioning that the flourishing agri-food, operation of holidays, natural energy (fields) have generated pressures on the farmers' land and this trend has influenced the state to give extra land to big investors where from rural population has been left without enough land for cultivation.

Results in Table 4.10 show that investors' grabbing indigenous land as another cause of land shortage in the study area. More specifically, data from Focus Group Discussions with respondents suggests that that investors grabbing indigenous land was of highest level in Luhija village as well as in Kakunyu village where as

corruptive behavior in land issues was common in Karambi village as well as in Kakunyu village.

Table 4.10: Reasons for Land shortage

Farm size categories	Number of Respondents				Total	
	Muleba District (n = 66)		Missenyi District (n= 67)			
	Frequency	Percent	Frequency	Percent	Frequency	Percent
Below 1 acres	13	19.7	9	13.4	22	16.5
Between 1 – 2 acres	7	10.6	23	34.3	30	22.6
Between 2 – 5 acres	5	7.6	8	11.9	13	9.8
More than 5 acres	5	7.6	4	6.1	9	6.8
Don't know	36	54.5	23	34.3	59	44.4
Total	66	100	67	100	133	100

Source: Field Results (2010)

Infact, corrupt behavior in land issues is related to lack of equity as well as fairness. It is generally shown that these two reasons are of the highest rank in Karambi and Kakunyu, but less moderate in other villages such as Luhija, Bubale, and Mugango villages. The aspect of unplanned survey exercise has somehow disturbed a limited number of land users- activities in different places though whose impact was not felt by the majority of land users.

In view of the results by FGD on Table 4.11, there have ended up in shaking the social status of these villages by destabilizing the tranquility that has prevailed earlier in those villages; where from the village leaders namely village chairmen have declared openly that the village land act No5. Of 1999, has not operated in favors of

land users. Based on FGD – results on Table. 4.11, the village land in both, districts respectively was grabbed in large proportions by the so called investors and rich people.

The village chairmen mentioned categorically that government officials have been reported that they had acquired extraordinary large acreages of land. Over and above proverbial investors such as Kagera sugar factory owner has practically acquired large hectares of public and villages' land. The Bubale and Kakunyu village chairmen have reported to the researcher that Kagera Sugar factory has an area that ranges from 2000 – 4000 hectares of land. Secondly these village – chairmen have also reported the village land to have been appropriated by the Missenyi Ranch, though, it has recently been privatized whereby, parts of the ranch were sub – leased to private individuals who have grabbed much of the village land without following procedures of land acquisition in the line with the village land Act No. 5 of 1999.

On the above incidences, Ostrom (2001) argued that land policy governance should stress on the service delivery by land institutions and land policy. The policy therefore, should establish the way forward and the process to be done as well as its related problems. In actual reality the land policy has provided the basis for stakeholders of land matters to twist up and down land law, henceforth overlooking the aspect of equality in land matters. The implication of the above is nothing but perpetuation of land use conflicts and disputes among land users. This view was stressed by Bernstein (2005) when he tried to speak of that consistency on the ongoing steps to alienate the land of local land users or farmers, livestock grazing

lands as well as specific areas, on fictitious reasons dominated by self interests, and by using either ways such as force, law and influence.

4.3 Existing Land Tenure Systems that Influence Access to Land

At this material time of Neoliberal era, land users from the study area have witnessed Neoliberal land tenure institutional arrangements to have created co-existence of the indigenous land tenure systems sometimes known as informal land system or traditional land system operating jointly with formal land systems. Now the dominant peasant economy system is the one that has superimposed on the natural economy system or (traditional economy system).

4.3.1 Perception on the Meaning of Land Tenure

The unique aspect of traditional economy system is that customary tenure rights evolve towards stronger and more alienable, individual rights as population pressure increases, technology changes and agriculture become commercialized. Basically, customary land tenure system does not break down but evolve. Findings from Focus Group Discussions (FGD) revealed that villages were having differentiated views on how they understood the essence of land as clarified by superimposed codes (See Also Table. (4.10).

Table 4.11: Perceptions on the Meaning of Land Tenure from the FGD

Perceived meaning	Muleba District				Missenyi District					
	Karambi Village		Luhija Village		Mugango Village		Bubala Village		Kakunyu Village	
	Score	Rank	Score	Rank	Score	Rank	Score	Rank	Score	Rank
Right to occupy and use land	14	2	11	2	14	2	16	1	12	1
Right to develop land	11	3	8	3	6	3	9	3	8	3

Right to transfer and inherit land	17	1	16	1	15	1	11	2	10	2
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Source: Field Results (2010)

Key: F/M----Means Female and Male combined, F----- Female, M----Stands for Male, FGD----Means Focus Group Discussions

More specifically, findings show that nearly three quarter of the respondents in FGD defined land tenure as the right to occupy and use land. This ranked the highest as shown in Table 4.10. A few, that is, about a quarter of the respondents in FGD defined land tenure as the right to develop land. Finally, somehow averagely, about half of the respondents in FGD from all villages (Table. 4.10) have explained land tenure as to mean the right to transfer and inherit land. From the perceptions, it appears that the essence of land tenure has varied options. The above views on the definitions of land tenure are also shared by Cumby and Gerber (2007) where they argued that land is administered in a number of various systems that register private right in land, public land rights, reserved rights in land; forest land rights and guided by the traditional land law rights related to farming rights, natural resources rights and land used for mining rights. Henceforth, the interactions between the various separate systems may differ from nation to nation due to material conditions pertaining at the time.

4.3.2 Types of Traditional Institutions Governing Access to Land

A number of traditional arrangements (Table. 4.12) were found to be used to link access to land as noted from the study area. However, it was noted that access to land resources has been changing overtime with rising population pressure, increased

commercialization of farming and growing urbanization as pointed out by the majority of respondents (over three quarters) in FGD.

Table 4.12: FGD Scores on the Type of Traditional Institutions Determining Access to Land in the Study Area

The type of Institution	Category	Muleba				Missenyi					
		Karambi Village		Lihija Village		Mugango Village		Bubale Village		Kakunyu Village	
		cores	Rank	Score	Rank	Scores	Ranks	Scores	Ranks	Scores	Ranks
		F/M (20)	F/M (20)	F/M (20)	F/M (20)	F/M (20)	F/M (20)	F/M (20)	F/M (20)	F/M (20)	F/M (20)
Tenancy between family members also with outsiders	Traditional arrangements	15	1	14	1	14	1	12	2	13	2
Gift between Indigenous inhabitants, local people and migrants	Traditional arrangements	13	2	13	2	11	3	13	1	11	3
Custodian contracts	Traditional Arrangements	11	4	10	3	12	2	10	3	10	4
Share cropping	Traditional arrangements	10	4	8	4	11	3	8	4	9	5
Guarantee/ Mortgage	Formal arrangements	0	5	0	5	0	5	0	5	0	6
Inheritance	Traditional arrangements	12	3	13	2	12	2	12	2	14	1

Source: Field Results (2010)

Key: F/M----Means Female and Male combined, F—Female, M---- Male, FGD-- Focus Group Discussions

Over and above, respondents in FGD said that land has become a very marketable asset, which means that people use it to raise money and gain access to other resources. Table. 4.12 show that in Muleba and Missenyi, as in other African communities, the most common traditional arrangements used to access land includes: custodian contacts, inheritance and tenancy as pointed out in the Table 4.12.

4.3.2.1 Custodian Contracts

Custodian contract is a traditional arrangement involving absentee land owners who live in town and ask their dependants to guard their plantation/land in return, for their maintenance and protection. The guardian can farm the land between trees, collect fruits of food crops and cereals. During in-depth interview and FGDs held dissenting opinion on how guardian guard the land, the informants said:

”custodian contracts or arrangements are particularly frequent in villages where much of land is still owned by absentee noble – families. The guardian can do weeding or farm the land between trees but not entitled to sell cash crop. The right to cultivate can also be delegated by the guardian to a third party. Once the trees have grown so much that they shade the crops the guardian needs to move his plantation elsewhere”

This arrangement is based on verbal or oral transaction. There is no involvement of cash. Another type of traditional arrangement is.....

“share-cropping which was formerly found in traditional food crop farming during the pre colonial period, when the labourer worked in the morning for the farming owner and cultivated his own plot of land in the afternoon”

These contracts now cover in particular banana or coffee, manioc farms. Responses from FGDs revealed that farmers say that they *”prefer to take land through share-cropping rather than other contracts since all extra efforts are reaped by the farmer”* The owner of the share-cropped land also tends to monitor interference on how land is being farmed; this share-cropping system does not involve money. It is also based in verbal or oral agreement.

4.3.2.2 Loan of Land

Another traditional arrangement is based on loan of land. Findings from interview with elderly male informants revealed that this....

“Contract is made of the explicit understanding that the land owner can take back the land whenever they so wish. No cash passes hands and this arrangement is not written down”.

In fact this loan of land type of traditional arrangement involves the temporary ceding of land with no explicit payment. The rights usually cover farming and collection of cereals, wood but not tree planting, now delegation of right to a third party. Some form of customary gift is usually made as a means of confirming of the claims of the land owner. Today, information from the study area, loans are increasingly rare. In most cases, they have been transformed into share– cropping. The fee exacted is now assessed on a much more systematic basis, loans within the family are recognized but the relative may insist that they have acquired firm claim to the land.

4.3.2.3 Traditional Institution Based on Inheritance

Traditional arrangement based on inheritance, is also providing procedure as to access land between kin, clan members among local inhabitants. This system is now loosing meaning since the colonial legacy on land has reduced the size of land ownership. During a FGD with informants they remarked that a substantial number of families no longer practice this. This is due to land scarcity. It was noted that a bigger of land was owned by the minority. One of the informants said:

The minorities who have substantial bigger portion of land were known by different names in different areas of Kagera region. For example in Muleba District they were referred to as “Omulangila” or “Omwami”. In Missenyi District they were referred to as “Omutwale”.

4.3.2.4 Tenancy

During a FGD with elder’s tenancy tenure arrangement was clarified. Tenancy was clearly described as a contract between the land owner or family members and tenant or the outsiders. Customary, tenancy was an agreement that intensified exploitative agreement or relations of patronage. When attempting to describe traditional tenure arrangements and their actual content, the conventional terms used the FGD – Members defined an arrangement as it follows here below:

An arrangement to delegate tenure rights refers to an agreement between two parties, who have different but complimentary assets, including land. From an economic point of view, this is a form of Institutional arrangement, defined as a specific pattern of coordination between economic units. However, the economic logic of agrarian contract is usually deeply embedded in a web of social relationship and networks. Similarly, while coordination between contracting parties relates to factors, such as land and labour of course, other more specific elements may also come into play.

A certain number of “Traditional” arrangements have the same rationale: an “Outsider” or “Tenant” requests land and the right to settle in a village. He enters into an alliance for example by marriage or as a client of a family head, who becomes his patron and offers him or negotiates for him, land to cultivate. In

acknowledgement, the “tenant” gives a few bundles of maize or millet from the harvest each year. For the land or village chief and even for the family head, it means fulfilling the duty of hospitality while at the same time extending his patronage. This type of arrangement, which is more social than tenure based in the strict sense, is found in most areas of the study area. It creates relations of patronage between host and recipient which may then become relationship by marriage, marrying in – being a favored way of consolidating one’s position within the host lineage.

This traditional Institution of Tenancy has however, changed considerably depending on national or local circumstances as a result of the changing demand for labour, growing monetization of dues owed to the guardian and the influence of national policy on development of rural areas eg, substantial flows of settlers – have opened up new areas, pioneer farming etc.

4.3.2.5 Gift

Traditional agreement of Gift of Land was between an indigenous inhabitant and migrants. Nearly two third of informants in FGD said in gift of land agreement migrants were obliged to offer labour services to their host as well as other forms of support, in recognition of the land owner’s prior claim to the land. In most cases migrant locally known as “*abafuruki*” from neighboring countries of Rwanda and Burundi used to provide cheap labour. In *Haya* tradition, anybody who did not speak their language was regarded as “*nyamahanga*” meaning a foreigner. These constituted most of the migrants. Gift of land between indigenous inhabitants and migrants have disappeared or have been transformed into “sales” migrants coming

prior to the 1960s could receive gift of land, in return for ritual gifts and small gifts in kind.

4.3.2.6 The Formal Arrangement of Mortgage or Pledge of Land

Findings from FGDs revealed Missenyi and Muleba the formal arrangement of mortgage or pledge of land was used in leasing out of land for an indeterminate period in return for cash loan. On probing further, it was confirmed that the land in this regard would only be returned when the cash sum is repaid. The land acts as guarantee for the loan while cultivation rights are as a form of interest payment on the capital sum granted. In times of crisis, many turn to pledge of land as means to raise money. Creditors include urban dwellers often emigrants from villages; fishermen seeking way to diversify their assets and activities. In case of cumulative fine total of loans given to the original land owner reaches sum equivalent to the value of the land and the transaction become ineffective sale.

The findings above illustrate how traditional arrangements worked and allowed people to negotiate conditions which suit their circumstances to gain access to land. This was stopped during the colonial government when legacy of land tenure system had indeed vested radical title to the head of state. This has directed the root cause of conflicts, disputes, difficulties on ownership of resources that are found on land to day. Owing to such circumstances, the general consensus in Tanzania is that the national land tenure system corresponds to the existing material conditions of the land users and the existing legal framework is out model, unworkable and full of contradictions in many areas (URT 1994). These conflicts are many and various depending on parties concerned. Claims they are asserting. Such conflicts are noticed

precisely when different land users were asked to identify the most problematic traditional arrangements; at this particular material time of neoliberal era.

Respondents from FGDs in the study areas have shown on average that there were various forms of conflicts and difficulties in the operation of these traditional arrangements. The general trend of scores shows almost equal distribution of various ranks when equated to score (Table. 4.14).

It was further reported from FGDs from all villages in the study area that conflicts associated with the various forms of traditional arrangements are many and diverse. There were few reported cases of conflicts/disputes that involved these delegated rights to land acquisition, definite loans of land had caused difficulties when original land owner returns and wishes to reclaim the plot.

Table 4.13: FGD Scores on Institutional Arrangements Characterized by Land Conflicts in the Study Area

Problematic Institutional arrangements	Muleba District				Missenyi District					
	Karambi Village		Luhija Village		Mugango Village		Bubale Village		Kakunyu Village	
	Scores	Rank	Scores	Rank	Scores	Rank	Scores	Rank	Scores	Rank
Institutionl of Tenancy	12	2	13	1	13	2	14	1	13	1
Institutionof Custodian	12	2	11	2	11	3	13	2	10	2
Institutional of share / coping	13	1	9	3	14	1	11	3	7	3
Institutional Mortgage/ people	0	4	0	5	1	5	0	5	2	5
Institution of loan of land	1	3	4	4	2	4	6	4	5	4

Key: F ---- Female ,M--- Male, FGD----Means Focus Group Discussions

The difficult moments come up when disputes are taken to the family head or to the village – head and sometimes to district land court officials and whereby the rare

cases of no solution being found then disputant finally goes to high court. All these instances may cause unnecessary inconveniences to the parties concerned.

Findings from respondents showed that FGD– members reported of people when they take land back and throw the tenant of the land, either to sell the land or rent it to someone else for more money. In some cases, land has been sold to two different people by different members of the family. Land transactions rarely have formal legal status, since by law are not legal. Hence there are no certificates of occupancy or deeds of conveyance.

Moreover, respondent's members notified that a number of problems are expressed by parties, to these contracts. One tenants remarked on the tendency of some land owners to harass them to weed more intensively. They also noted incidences of theft by children of land owners. It was henceforth, concluded that these contracts lack transparency in various deductions made from their harvest to cover repayment of credit and other prior to receiving their shares.

Furthermore, here had been a rising number of open conflicts between different stakeholders regarding access to and control over land. The youth are contesting the validity of transactions carried out by their elders and demanding that these agreements be revoked. They reproach their parents for having allowed too many people to come and settle plus selling of their land for personal gain. This has led to a loss of authority amongst elders, who are seen as having profited personally from land sales and rentals at the expense of the family inheritance. As argued by Lund, (2000), Kasanga and Kotey (2001), young men in Africa are now denying the

legitimacy of past transactions particular on the death of one of the parties, calling into question, those where there is no paper evidence and demanding additional payment and share in the land. As the result, the customary law, in many villages, from the study area, has imposed a ban on all sales and rental of land to strangers, this was observed by the researcher through participatory process.

As pointed out by FGD, an access to other land resources for example: water, grazing land, firewood, thatching grass plus gardening of some annual crops, people are free to exploit those land resources provided they abide to the laid down regulations or by laws that govern the use of those land resources. Over and above the failure to comply leads to punishment and deprived of the right to exploit the commons (Cory 1945). In fact, Figure 4.14 shows that scores by FGD – members on most problematic arrangement, it is clear that today, in all arrangements, there are major changes that have formulated various difficulties for these traditional arrangements to play their former role of providing accepted procedure to gain access to land though in real terms these traditional arrangements are somehow dominant as compared to formal arrangements. Practically, some of these difficulties, accompanying these arrangements have created a situation of land tenure insecurity, this view point is highly clarified by Hollingsworth (1997) and Hudson (2004), where they argued that these traditional arrangements cannot be transferred to another society, for they are embedded into systems of production that is societal distinct.

4.3.3 Land Acquisition Methods

Findings (Table. 4.14) show methods of land acquisition in the study area, The main method of acquiring land as pointed out by 42.4% of the respondents was through inheritance mostly of customary lands; followed by buying land or hiring (30.3%), that was the case of Muleba district. On the other land Missenyi farmers mostly acquired land through inheritance (37.3%) then followed by buying land hiring land by (61.2%).

The key informants reported that immigrants farmers from nearby districts moved into these districts in search of land for cultivation. The immigrants mainly acquired land through buying or through hiring village land from village government leaders while some of the pastoralists were illegally accommodated in the area. These illegal immigrants' pastoralists were somehow given opportunity in Kakunyu village in Missenyi district and in Rutoro and Karambi villages in Muleba district. Other immigrants into the area were the pastoralists from the neighbouring countries of Rwanda and Uganda. The key informants reported that the immigrants pastoralists were hiring village land from village government leaders. While some of the pastoralists were illegally accommodated in the area. During time of this study the illegal immigrants and pastoralists were being forcibly evicted by the police officers.

Table 4.14: Methods of Land Acquisition in the Study Area as Revealed by FGD

Techniques to achieve tenure security	Muleba District				Missenyi District					
	Karambi village		Luhija village		Mugango Village		Bubale Village		Kakunyu Village	
	Scores	Ranks	Scores	Ranks	Scores	Ranks	Scores	Ranks	Scores	Ranks
By means of witnesses	16	1	15	1	13	2	12	2	14	2

By means of written document	13	2	14	2	15	1	14	1	16	1
Through social relations between parties	12	3	13	3	12	3	8	4	9	3
Through consolidation of status	10	4	12	3	11	4	10	3	8	4

Key: F – Female ,M--- Male , FGD--.Means Focus-Group Discussions

Few villages were established during the Ujamaa village operation of late 1960s. In such villages their village- governments had mandate to allocate land, however, only a mere 1.5% of the respondents were allocated land during villagisation operation in Missenyi and (27.3%) of respondents were allocated land during villagization operation in Muleba district. The results imply that the customary land tenure- system is predominant in the study area. Again where as the law prohibits the sale of land but in practice the land market is well established in the area.

A customary land right is common in Muleba and Mussenyi where it is widely acceptable as the legitimate one. This echoes the position taken by Bruce and Migot-Adholla (1994) who demonstrate that customary land rights are secure and acceptable in Africa as the legal ones. Similarly, Burns and Mainzen-Dick (2000) noted that traditional land rights are equally powerful. The findings are in line with those of Benajaminsen and Lund (2003) who argue that a substantial proportions of the population in Africa hold land under customary arrangements..

4.3.4 Legitimacy and Efficiency of Traditional Institutions

On modalities of legitimacy and efficiency of derived rights emanating from traditional arrangements, Bubale Village Chairman said that:

”people with unequal access to production factors seek to negotiate a deal from which both hope to benefit, they are quantitatively significant and sometimes even predominant. They have co- existed with and helped to generate dramatic rises in cash crop production (e.g., groundnuts, coffee etc.). Arrangements take many different forms, depending on context, but fit into some broad categories which can be identified”.

Dissociation of rights to trees and to land and the social relations between parties that accompany such arrangements are crucial aspects. Apart from land and labor, the arrangements can bring various other scarce factors into play such as food, technical know-how, equipment and credit. The range of arrangements and other detailed clauses are closely linked to local circumstances.

The chairman stressed that:

.....”derived rights are evolving, thus these new arrangements develop in response to emerging local opportunities often more monetarized. They remain strongly dependent on social ties from the study villages called (Emiteko)”.

These associations looked like amorphous, temporary and difficult to appreciate, they did not have written constitution or registration numbers, but they elected committees, which were rather abstract. Basically, these associations had powerful rules of the game that were operating accordingly. Unlike the formal associations that may be rigid and difficult to enter into or exist but local associations are flexible and dynamic. One can join or quit association at his/her convenience. One common feature of local informal associations in Muleba and Missenyi were influential, powerful and attractive to communities most people identified with them than formal associations.

It was also reported of the major features of these local associations as being rotational labor based associations in the village. They were class-based groups that managed their land resources and they were income-generating groups, which produce (local brew) to raise money for group -members. Finally, these groups enhanced work relationship in entire community.

Apart from the above practical case of local associations, the chairman went on describing the range of delegated rights emanating from: *“traditional arrangements that enable efficient adjustment between different parties, given their unequal access to land, labor and capital technical economic capacity ,integration within commercial networks”* etc., in a context where market are imperfect or non-existent and there is a risk of opportunistic behavior (as well as production related risk).

Their impact on equity is more variable and cannot be analysed out of context. Generally speaking, systems of delegating rights from traditional arrangements do not involve a scenario in which a (large land owner), grants use rights to economically disadvantaged groups. It often happens that the beneficiaries of use rights are in a better position that the small customary (owners) who have granted them such rights. It is mainly in capital intensive cropping system that delegated rights may favour large farms. The impact on equity depends as much on the prior distribution of resources and local balance of power than on the contracts themselves. The same type of contract may in different context, have the opposite

effect. Finally the degree of insecurity tenure involved in derived rights arrangements is also quite variable strongly context specific. Overall, derived rights arrangements do not appear to be particularly insecure, for arrangements are based on the quality of that relationship.

Summarily, from a more theoretical point of view, it is quite clear that system of delegation rights from traditional arrangements are not only becoming more monetarized but also are being seen more and more as bilateral contractual arrangements, requiring the use of witnesses and increasingly written contracts. Although the provisions underpinning to local contracts and framework of derived rights... arrangements do not come under official legislation, legal rules and institutional judicial environment. In general, there has been a growing influence in terms of negotiation and implementation of agreements. Finally, while it may be that the contractual diversion, in clarifying the clauses of derived rights arrangements, contributes towards equity in the conclusion and implementation of Contracts. This in no way prevents dominant parties from exploiting the balance of power in their favor.

4.3.5 Occurrence of Land use Conflicts

Findings in Table 4.15 show that most respondents (97%) acknowledged the existence of land use conflicts in the study area. Highest incidences of conflicts were reported both in Missenyi (98.5%) then followed by Muleba (95.0%). The key informants in Missenyi reported that pastoralists from Uganda were colluding with

some residents in the border villages of Mugango, Bubale to graze their livestock in village-land at night.

Table 4.15: Responses Distribution on Occurrence of Land use Conflicts

Existence of Land use Disputes	Number of Respondents				Total	
	Muleba district (n=66)		Missenyi district (n=67)			
	Frequency	Percent	Frequency	Percent	Frequency	Percent
Yes	63	95.5	66	98.5	129	97.0
No	3	4.5	1	1.5	4	3.0
Total	66	100	67	100	133	100

Source: Field Results (2010)

The type of land use conflicts that were identified through FGD were as follows:-

- (i) Farmers against pastoralists' conflicts.
- (ii) Farmers against farmers' conflicts.
- (iii) Farmers against investors' conflicts.
- (iv) Farmers against state conflicts.

During Key Informant Interview with village chairman at Rutoro village:

“it was reported that Kagoma ranch in Muleba district, farmers against pastoralists conflicts had been ranging on since 2005 up to date”.

In this case, pastoralists owning large herds of cattle from Karagwe District, were sub-leased part of Rutoro village by Kagoma national ranch. Previously, Kagoma ranch had expropriated the Rutoro village –land into the ranch' surveyed area and sub – divided into eighteen cattle rearing blocks. These blocks have since been hired to rich pastoralists from Karagwe who came into the area as investors.

Again during interview with the Rutoro village chairman and village government officials it was reported that:

....”the indigenous people in Rutoro village were left to suffer, where by their coffee – plots and banana plots plus cereal crops had been destroyed by large herds of cattle. Their houses had been destroyed by the new investors, who claimed to clear the grazing area and setting the boundaries of their hired blocks”. (Appendix A-6 Rutoro: Effects of land use conflicts).

The dispute over ownership of Rutoro village land has been shrouded in doubts, as the Bukoba District Land Court failed to file up the Rutoro village case against Kagoma ranch. Rutoro village was not surveyed; whereas Kagoma ranch had been surveyed. This is despite the fact that Rutoro village is a registered village established during settlement schemes of 1970s but it was not surveyed; the Rutoro village does not possess certificate of land occupancy. The Land Court at Bukoba argued that the Kagoma ranch had undisputed right to act in a way they did. The Court explained the centrality of this case and the resident magistrate ruled in favour of the ranch.

The second nature of conflict reported during FGD (between August 2010 and September 2011), involved mostly the village government officials who were selling off village land to individuals without following the laid down procedures as stipulated in the land law. A point in case includes village government – officials at Karambi (Muleba district) Bubale and Kakunyu villages (Missenyi district). This practice has created serious land shortage in respective villages. Through such

corruptive means, rich people have acquired large portions of land in Missenyi district due to their political influence or connections.

Lastly the key informant from Luhija village in Muleba district reported incidence of verbal and physical confrontations between the Luhija villagers and a Greek white farmer who attempted practically to include the Luhija village land into his surveyed farm area as opposed to his actual certificate of title to leasehold land according to the registry ordinance 1923 – 1926 (See Appendix A-5). Findings from interview with key informants show that rich people, in most cases, were protected from prosecution by government officials at district land court level.

The above scenario of land use conflicts in the study area could be referred to what Mc Michael (2008) has argued that logically the land users have created their own records in different forms. This is because of national resources use, such as land, Mc Michael stressed that resource-users mobilized in any form precisely to act as to determine the direction of the process of circumstances. During interviews with village study- chairmen of Muleba and Missenyi; it was reported that there were operational local mechanism to resolve land use conflicts. Meanwhile the focus group discussions (FGD) in Karambi Luhija Bubale Bugango and Kakunyu villages participants referred to informal negotiations mediated by local leaders that appeared to be the most affective method to resolve land use conflicts. Infact to some extent informal negotiations were fair and produced desired results that were labelled with goodness and justice, Lei (2007).

However, to date such customary agreements have been eroded and somehow undermined because of the superimposed land policies of the peasant economy system on the traditional economy system. Thus, that is why most of the people are increasingly resorting to the informal procedure. Moreover, there is lack of coherent institutional mechanism to support customary arrangements due to the absence of traditional chiefs; a system abolished by independent national government by 1962. These chiefs could be used to oversee the customary institutions. Furthermore, some of the customary laws are gender biased in favour of males. In some instances, these provisions have been misinterpreted.

During interviews with key informants and officials from the village tribunal, Ward tribunal and district land court – leaders, it was reported:

....” that both village tribunal and Ward tribunals are being confronted by two set- backs mainly by poor working conditions and constraints of resources. They are also lacking the legal professionals”

The office life span in these tribunals is also three years hence the issue of trainability appears to be a problem. Furthermore, the tribunal officials do not have specific allowances and they don't have official salaries either, though they deal with crucial and sensitive issues of land.

In principle all village tribunal and ward tribunals were controlled by local government while district land and housing courts are controlled by the Ministry of Constitution and Judiciary. As there is no clear line of demarcation such agreements may give rise to conflicts of interest. Over and above, it was reported that all tribunals were facing poor administration under district level governments. They

complained that they were marginalized by local government which has denied them official allowances or salaries. Hence, most of them failed to meet their basic needs because they spent a lot of time in unpaid labour activities, which have a negative effect on their job performance.

It was reported that their knowledge on land law was limited, over this; they argued that they needed extra skills related to land law in order to operate as specialist. They deliberate that their poor knowledge of land law makes them face hard time in trying to work on resolving land disputes. They stated clearly that they had at times been challenged by their clients. Infact, these officials from the village and ward tribunals reported of shortage of working tools such as paper, pens files office gadgets to keep case files safely.

Thus, the implications of all these short- comings had impaired their working efficiency. Henceforth, their performance in discharging their mandatory duties was doubtful and justice over land matters had failed in a practical sense. Finally, the key informants from the study villages reported on allegations of corruption in both village tribunals and ward tribunals.

4.4 Strategies for Strengthening Formal Institutions in the Administration of Land Resource

Findings from Figure 4.1 show that the majority (81.3%) of the respondent preferred sufficiently resourced tribunals that are provided with office equipments, provision of the official allowances or incentives; sound not temporary offices. On the other

hand a substantial number of respondents (14.4) percent preferred to introduce training on the mechanism for non judicial resolution as a practical strategy lastly a fairly moderate number of respondents (4.3%) suggested for a strategy of strengthening tribunals namely the village and ward tribunals and sometime district land court.

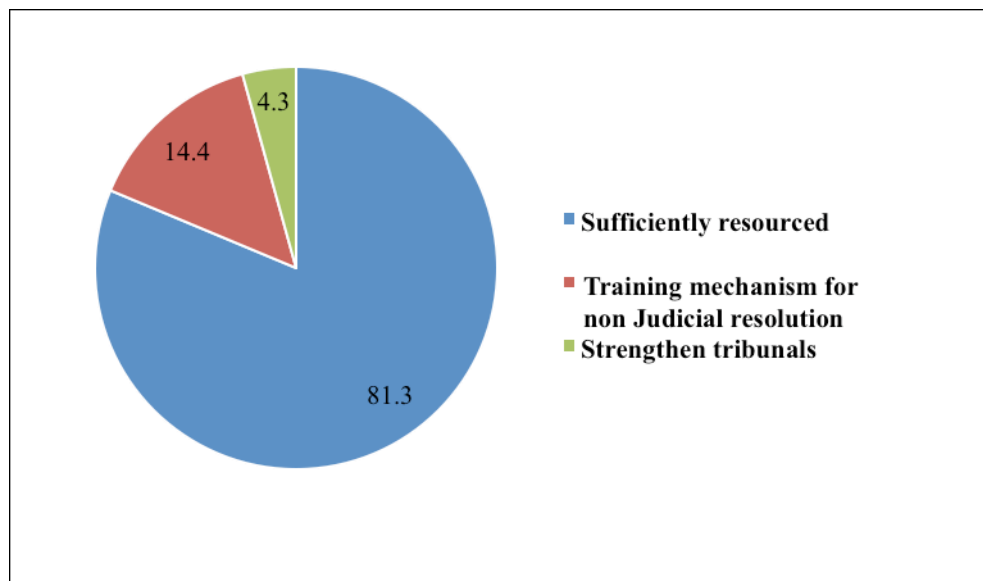


Figure 4.1: Strategies used to Strengthen Existing Formal Institutions in the Administration of Land Resource in the Study Area

Source: Field Results (2010)

All these instances have suffered from almost the some problems linked to poor administration as we have already mentioned. A total of these facts deprive these tribunals the possibilities of providing access to dispute resolution mechanism as well as transparent dispute resolution.

It is high time now to accept Johnson's (2005) suggestion that equitable and transparent land use disputes resolution mechanism should be linked with tribunals as well as court system to provide access to justice. In processing a mechanism for

sustainable frame work to manage the agrarian system in the study area an elaboration is organized in the following section. This section deals with evolution of arrangements. In order to find out whether or not there are any changes in these customary arrangements; the key informants particularly the village chairmen of the study area and the focus group discussions members were asked to indicate the sustainable features of evolution related to the institutions in their respective villages. The aim was to closely explore whether or not there is a significant relationship between these changes and possibility of pushing for any legal coherent approach aspiring at preparing the base for formulating appropriate and practical arrangements or official procedure to guide these institutions.

4.5 Features Linked to the Evolution of Customary Institutions in the Land Resource Management

The penetration of capital that led to rising land value as marketable asset ranks first in both districts of Muleba and Missenyi. The issues of commoditization of labour power rank –second in Muleba as well as in Missenyi district. Finally monetization of exchange rank third in both districts (Table. 4.16).

Penetration of capital: - involves a lot of aspects but one key-informant defined it as to mean – integration of capitalist mode of production with traditional system of production. He described capitalist production as a social mode of production. He described capitalist mode of production as a social mode of production of material benefit, based on private capitalist ownership of the means of production and it is based on the exploitation of wage labor. Practically this key-informant, clarified this capitalist mode as a social mode of production under which the process of production

is subordinated to capital. For example “this production process of capitalist mode is found on the relationship between capital and hired labor”. This capitalist mode of production replaced the traditional mode of production/ pre-capitalist modes of production.

Table 4.16: Features Linked to the Evolution of Customary Institutions in the Land Resource Management as Given by FGD

Features of evolution linked informal institutions	Muleba District						Missenyi					
	Karambi		Luhija				Bubala		Bugongo		Kakunyu	
	Score (20)	Ranks	Scores (20)	Ranks	Scores	Ranks	Score (20)	Ranks	Scores (20)	Ranks	Score (20)	Rank
Rising land values	16	1	14	2			18	1	18	1	14	1
Control over land	12	3	10	3			14	3	14	2	12	2
Land marketable asset	14	2	13	1			16	2	12	3	11	3

Source: Field Results (2010)

Key: F----- female; M---- Male, FGD-----Means Focus Group Discussions

Under capitalism, this society was divided in two main antagonistic classes: The class of capitalists or owners of the means of production, who exploit the working people and a class of proletarians who are deprived of the means of production and mass of livelihood and are therefore compelled to constantly sell their labor to the capitalists. The main economic target of the capitalist mode of production is the creation of the surplus value; compared to previous modes of production (primitive; communal slave owning and feudal). The key informant, elaborated more of

capitalist mode as being more progressive since it ensured the higher level of development for society's productive forces, radically raised the productivity of social labor, completed the socialization of production and labor on a huge scale; sharply increased the volume of production.

Finally her basic contradiction of capitalism is giving a social character to production but results of labor are appropriated by the capitalists per se. This is seen in the anarchy of production and the lagging of the society's effective demand behind expanding production; an outcome is also seen along destructive periodic economic crises. All the capitalists' aspirations/ inclinations are acquired by these capitalists per se, because of employing force, regulations, rules spearheaded by their hegemonies and constitutions aiming at exploiting different states in terms of their national, natural resources.

The term monetization of exchange or introduction of medium of exchange has been elaborated by one key informant from the focus group discussions from kakunyu village, Missenyi district – on 15th October 2010, that monetizing of exchange/ medium of exchange was nothing but monetary control looked upon, as a specific form, dictated by the existence of commodity money relations, just established as an official universal medium of exchange; as differentiated from rent in kind. This monetary control has helped the carrying out activities of capitalist-enterprises working on the principle of cost accounting. It is implemented, above all, through a plan that established the expenses to incomes ratio for the enterprise. Besides, subject to control are also labor and means of production-inputs, implementation of plan for volume and variety of output-sold and profitability; the ratio between the social

values of the products; their production costs and the money to be transferred into enterprise.

Eg; economic incentives funds, the correspondence between the financial state and the course of plan implementation. It was also argued by that key informant that consequently, the collectives of enterprises are encouraged to do better in serving the interests of all the people by manufacturing products, society needs, to maintain the aspired socially-necessary labor-inputs and work for their reduction and increase the productivity of social labor. Bank and financial bodies also employ monetary controls in collecting payment, granting short and long term loans, allocating funds for capital investment.

Lastly the bank allows enterprises exercise mutual monetary control in the framework of economic agreements with suppliers of materials and buyers of output. Financial penalties such as fines, forfeits are applied for failure to honor agreement obligations. Then monetary control is a major tool for consolidating cost-accounting. The term commoditization of labor power, has been as deliberated here below in the following manner: Basically, the key informant from the ministry's department from the district level at Muleba Township managed to define the above mentioned term: He defined by giving clarification of the term by applying particular words involved. Labour power was clarified as the "individual's ability to work, the totality of the individuals physical and spiritual abilities used in "material production".

The labour power is the basic motive of production in any society. In the production process, man develops his production experience and working habit as well as

influence the environment. In antagonistic class societies, the workers are deprived of means of production and exploited. The forms of exploitation depends on the prevailing form of ownership under capitalism, labor power becomes “a Commodity”.

The necessary conditions for the labor power becoming a commodity are: (i) Personal freedom to use one’s labor power 2 Not owning any means production, as a result of which the worker must sell his ability to work or obtain the means of substance like any commodity, labour power under capitalism has a value and a use value. The use value of the labour power as a commodity is the ability of the worker to create in course of labor a value greater than its own, or surplus value, which is the principal objective of the capitalist who sees in this the sole point of purchasing and consuming labour power. The value of labour power is a sum of the means of subsistence to maintain the normal labour productivity of its possessor, the up keep of the workers family and the cost of satisfying the worker’s cultural needs such as education and the acquisition of working skills.

This informant mentioned categorically the general characteristics of labour power that varies with development of society because the level of requirements, the means needed by the worker and his family and the cost of these means change. The value of labour power varies significantly from country to country since it depends on the level of economic development and the natural and climatic conditions.

As production develops the level of the worker’s requirement and the value of labour power tend to rise eg. Clarified by the level of higher consumption standards). The

price of labour power tends to deviate below the cost of labour power, which is explained primary by the availability of an army of the unemployed which depresses the labour market. This can be proved by status of wages under capitalism.

The capitalists try to reduce the material and cultural needs of the workers to the minimum. However this key – informant – added that the struggles of the working class is a factor which counters this trend, especially in the presence of the world socialist system, when workers are winning important concessions from the capitalists, including higher wages.

In socialist society labour power is not a commodity, because the means of production are public owned, the working people are masters of all the wealth. Relations between individual workers and the socialist state and cooperatives are aimed at the planned and balanced use of labour resources in the interest of all members of the society. Socialist production relations create the potential for the comprehensive evolution of the physical and spiritual powers of the working people and the continuous improvement of their cultural, professional and material standards.

The implication of these findings denote that there has been a marked decline in trust in some traditional arrangements such as loan of land due to rising importance of land rent; lease and share cropping increasing. These were also difficult in gaining access to necessary credit, as well as inputs. This also implies that people are choosing to let out their land rather than use it themselves. It was reported by both

key-informants namely the village-chairmen from the study-area that the outcome of this:

“evolution of customary arrangements resulted into the creating new conditions that necessitated the formulation certain economic activities which practically engaged the majority of the farmers in the study area” .

On account of such occurrences, the life style changed although the land was basically subjected to colonial land administration and tightly changed that traditional economy system by controlling land along colonial land laws. The essence of tightly controlled land administration; the key informants (village-chairmen) clarified that, by saying that the colonial land administration just introduced extra measures to control these landusers such as: Introduction of medium exchange, introduction of colonial rules related to land and other, regulations. Land turned to be a scarce commodity. Big portions of land were now left in the hands of the minority and the majority was left with much smaller parcels of land.

Furthermore, the key-informants remarked that such instances have been the reasons behind land crisis from the study area. This state of affairs has initiated occurrence of limited pieces of land that were somehow utilized by young men in various development projects like: tomato-business, onions growing business, brew- making business. Finally the key –informants informed by providing an example of these progressive opportunities that necessitated for the formation of associations to guide those economic activities over scarce pieces of land. These associations were locally known as “EMITEKO” in the language of farmers from the study area. Data on Table 4.17 shows further probing by land users (farmers) as reported by respondents

on the issue of evolution of customary arrangements by proposing a sustainable institutional framework. That being the case, Table 4.17 shows that most of the respondents (42.5%) suggest that a sustainable institutional frame work could be possible in case, there is an improvement of an ability to capitalize on and support development of our rural communities in terms of rights related to the use of land resources which should be clearly defined and enforced under statutory and customary law.

Findings from Table 4.17 show that 4.5% of the respondents indicate that most of the respondents suggest that a sustainable institutional framework could be possible in case there is an improvement of an ability to capitalize and support development of rural communities in terms of rights related to the use of land resources, which should be clearly defined and enforced under statutory an customary law. Similarly a moderate number of respondents (37.3%) were of the opinion that insurance of capitalization on land market and sustainable development practices by making sure that legal system provides for fair, equitable efficient transparent trading in land use right could create a sustainable use of resources and which might built up a sustainable institutional frame work.

Equally important, just a small number of respondents (13.6%) proposed enactment of a law in the parliament which might upgrade the status of land tenure so as to provide a basis for efficient registration, exchange and trade of resources development and other tradable land, land use rights

Table 4.17: Opinions a Sustainable Institutional Framework

Opinions	Number of respondents (133)					
	Muleba district		Missenyi Distict		Total	
	Frequency	Percent	Frequency	Percent	Frequency	Percent
Improvement communities tenure security	28	42.5	29	43.3	57	85.8
Ensure efficient land market	18	27.3	29	43.2	47	35.6
Upgrade status of land tenure	9	13.6	6	9.0	15	11.9
Enhance local land dispute resolution and restructure	10	15.1	3	4.5	13.0	6.8
Total	66	100	66	100	133	100

Source: Field Results (2010)

An almost similar number respondent (10.6%) was for improvement of efficient community administration and judicial mechanism to resolve land disputes. Finally (15.1%)of respondents stressed that improvement of land administration mechanism so that there is transparent and clear service standards which might control other factors such as time and quality for key processes. The data on table 4.19 has shown basic issues in the creation of sustainable institutional framework. However the reality should be understood that all four factors outlined are significant for the useful institutional framework that has been proposed.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

The study conclusions arise from the implications of study findings and analyses conducted on various elements in chapters 1 to 4. Also the conclusion was drawn in respect to the study specific objectives.

5.1.1 The Implications from Farm Holdings Characteristics

The study findings show that all respondents were rural based and owned land while the production system is predominantly agrarian. One of the main setbacks among farmers in the study area is serious land scarcity. Whereby the majority of respondents own below one acre of land. This implies unsustainable land parceling which is probably owing to high population increase and non-equitable land distribution. Customary tenurial system is predominant in the study area where it is widely acceptable as legitimate, in both Muleba district is one of the oldest district in the region and Missenyi district which is newly established and sparsely populated.

5.1.2 Implications on Existing Land Tenure System and Evolving Land

Tenure Institutions

The institutions that influence access to land in the study area, are changing as land is increasingly viewed as a commodity. The study found that land is a commodity

whose value is determined by the market dimensions. Land is now owned by individuals on private basis.

There were institutional evolutions whereby the traditional clan; family heads who were traditionally responsible for the management and maintenance of land resources were getting dysfunction. The study also established that the evolution Process of land use resources arrangement is an outcome of nothing but manipulation of the peasant economy system, which has been superimposed on the traditional natural economy system.

However, the rules and regulations changed not only to facilitate land use allocation and distribution, but also restrictive land use principle were established ;over and above, the study demonstrated that implemented formal land laws and regulations stood stead in stark contrast to the socially embedded traditional arrangements relating to traditional beliefs and normative ideas about the right system for land management and use.

The study has shown how land users in the study area are trusting more traditional mechanism in resolving land use disputes rather than the formal land use dispute resolutions, furthermore, the study revealed that farmers are not passive recipient of the government' designed rules. They are active in assessing the formal rules or regulations in the way that they either adapted or contested or remolded them based on their experiences and skill to suit their local setting and conditions A clear case from the study is the traditional, social net- working or (neighborhood farm group and self help groups, which still prevail and remains a strong domestic norm often

operating alongside the formal organizational utilities at the community level. A particular name given to those neighborhood labour-groups were referred to as “EMITEKO”. The neighborhood labour-group is embedded, multipurpose organizations that combine production and social functions. Members in the group not only cooperate in farm activities but also join together helping each other in times of sickness and for traditional ceremonies and functions. Once key-informants from the study are explained how the neighborhood farm group helped him in the building of his house when heavy rains plus wind pulled down the roof of his house

5.1.3 Factors Driving Changes on Traditional Institutions for Administering Land Resources

The findings from the study show that land tenure institutions have changed over time and space. There was a significant or tangible relationship between traditional institutions changes and production systems. Earlier on, traditional arrangements were seen from the level of family, clan and villages. These traditional arrangements controlled land user resources basic needs. At present land had turned into a commodity as expressed by commoditization process and there increasing land scarcity where Land resources was increasingly accessed through sales.

The trend of the political situation also changed very substantially by bringing up major shift in the land rights where intruders, migrants businessmen, merchants were able to secure their claims to land. This situation had to increasing land use conflicts between the rich immigrants who had bought the traditional village lands.

5.1.4 The Implication on the Strength of Existing Institutions for Management of Land Resources

The study findings on land use conflicts resolution showed that informal institutions were performing more effectively. Furthermore the local communities in the study villages have artist on the local institutions and cultural ethics for resolving conflicts despite of erosion by introduced formal institutions.

5.2 Recommendations

Based on n study results and and conclusion above, the following are study recommendations

- (i) Sustenance of land resources depends on the appropriateness and effectiveness of policies and regulations of land allocation, utilization and management. It is therefore necessary to introduce holistic land use- policies that are inclusive and sensitive to the needs of more vulnerable groups in a particular locality. It is recommended that the policy interventions in in rural area should ensure both social economic and ecological sustainability in both agricultural and pastoral systems
- (ii) The policy makers when formulating new land policies ought to take into account the local institutions and norms that have positive impact on harmonizing land use allocation and distribution, at the grass root level. These could be accommodated into new land laws and the related regulations.
- (iii)The local government authorizes ought to find ways to incorporate the local mechanisms for settlement of land use conflicts and disputes/ The local

mechanisms are widely accepted by local communities and are considered to be more effective at local level.

(iv) We recommend that the government should engage seriously in policy dialogues and processes with stakeholders through public debates, differences could be realized in local policies and practices taking into consideration issues common people.

5.3 Recommendation for Further Research

The research on the extent and nature of agrarian systems, need to be conducted especially in areas where the phenomena of “land use related conflicts/ disputes of laws was found to exist “ can be appropriate area for a research action.

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APPENDICES

Appendix 1a (Footnotes)

|*v

“Irungu”:- is a name in Haya language referring to public land is unoccupied. The acquisition of this land is acquired by paying the fee amounting to sh 5/=, (pg 20)

“Kisi”:- is name in Haya language, given to identify arable land. This piece of land is acquired only on payment of sh 5/=, to the native authority (pg. 20)

“Muhikya” is a name given to person who collects information about the newcomer who wants to acquire land through payment of sh 5/= as her fee (pg. 20)

“Mwami” is a name given to sub-chief who was normally approving whoever wants to buy any pieces of arable from the village.

“Mkungu” is name Haya language referring to Ward-leader. (pg. 20)

“Gombolola” is name in Haya language referring to mean the primary court (pg. 20)

“Mwate” is name in Haya language, /

*r-vgiven to pieces of land, which is normally acquired by anybody after being allocated from the chief on payment to Native Authority of sh 5/= (pg., 22)

Kikamba is a name in Haya language, referring, to pieces land, which had been under perennical crop but it has allowed going back to grass (pg.22)

“Nyarubanja” is a name in Haya language, referring to is given to a group of plantations, owned by one individual/land lord who is known as “mtwazi”. The tenant is known as “Mtwarwa”. (Nyarubanja-Tenure) (pg. 22)

“Kibanja kio ruganda” is a name in Haya language, referring to plantation under family tenure it is always acquired by inheritance only. (Family Tenure)

“Rweya Rwaluganda” This is a name in Haya language given to open land owned by the community under the clan, where people do plant seasonal crops (pg 22) (communal tenure)

“Kibira kya Nanka”:- This is a name in Haya language, referring to clan owned forest.

“Biteme”:- This is a name in Haya language referring to a squatter.

“Nzike” : This is a name in Haya language referring to forced labor by the chiefs subjects.

“Emiteko” This is a name in Haya language referring to the neighborhood labor-group which is embedded, multipurpose organizations that combine production and social function. (pg 145)

HOUSE HOLLDD SURVEY QUESTIONNAIRE ON INSTITUTIONS FOR MANAGEMENT OF THE AGRARIAN SYSTEM

SECTION 1: Questions Clarifying Land Uses and Farm Holding Characteristics in the Study Area

1. Do you practice agriculture?
 - a) Yes ()
 - b) No ()

2. If yes, what type of the system do you use? Tick against your choice(s)
 - a) Large scale farming ()
 - b) Traditional small-holder – farm ()
 - c) External modified irrigation system ()
 - d) Large small holder irrigation scheme ()
 - e) Others (please mention) ()

3. How big is your farm/cultivated area?
 - a) 1 – 3 acres ()
 - b) 4 – 9 acres ()
 - c) 10 – 2- acres ()
 - d) 21 – 30 acres ()

4. What crops did you grow in wet/dry season?
 - a) Maize and bowman trees ()
 - b) Beans and cassava ()

- c) Millet and sorghum ()
- d) Sweet potatoes ()
- e) Others specify ()

5. How much did you harvest?

- a) 1 – 5 bags ()
- b) 6 – 10 bags ()
- c) 11 – 20 bags ()
- d) 20 and above ()

6. If you have a bumper harvest, what factors were conducive for you?

- a) Good rains/good weather ()
- b) Availability of conducive lands ()
- c) Uninterrupted season's by animals in Formal lands ()
- d) Other than those above factors (specify) ()

7. Do you keep livestock?

- a) Yes ()
- b) No ()

8. If yes, how many cattle did you have some 5 years?

- a) 1 – 5 ()

- b) 6 – 15 ()
- c) 16 – 30 ()
- d) 30 – 50 ()
- e) 51 and above ()
- f) Other issues (please specify) ()

9. How many cattle do you have now?

- a) 1 – 5 ()
- b) 6 – 15 ()
- c) 16 – 30 ()
- d) 31 – 50 ()
- e) 51 and above ()

10. How many cows were born this year?

- a) 1 – 5 ()
- b) 6 – 15 ()
- c) 16 – 30 ()
- d) 30 – 50 ()
- e) 31 and above ()

11. How many cattle were sold two years back?
- a) 1 – 5 ()
 - b) 6 – 15 ()
 - c) 16 – 30 ()
 - d) 30 – 50 ()
 - e) 31 and above ()
12. Do you sell your cattle regularly?
- a) Yes ()
 - b) No ()
13. If yes, what are the circumstances of decreasing the number of your cattle?
- a) Limited grazing area ()
 - b) Harsh village by laws ()
 - c) Economic demand ()
14. How much money did you get from selling cattle this year?
- a) 10,000 – 50,000 ()
 - b) 51,000 – 100,000 ()
 - c) 100,000 – 200,000 ()
 - d) 200,000 and above ()

15. Are you comfortable with the cattle rearing?

a) Yes ()

b) No ()

If, No, please explain why?

**SECTION I: QUESTIONS ON LAND TENURE SYSTEM AND
LAND USES IN THE STUDY AREA**

1. What is the source of the domestic land use?
 - a) Traditional land ()
 - b) Hired Land ()
 - c) Bought land ()

2. Are these problems experienced when you utilize traditional land?
 - a) Yes ()
 - b) No ()

3. If yes, what are the causes of those problems?
 - a) Limited land ()
 - b) Abundant land ()
 - c) Sharing of the products to classmen ()
 - d) Disturbed by animals / border crisis ()

4. Are there problems experienced when you utilize the hired land?
 - a) Yes ()
 - b) No ()

5. If yes, what are the sources of problems experienced when you utilize the hired land?
- a) Limited maximization ()
 - b) Limited land ()
 - c) Unfriendly behavior of land owners ()
 - d) Disturbed by animals ()
6. Are there problems experienced when you utilize the bought land?
- a) Yes ()
 - b) No ()
7. If yes, what are types of problems encountered when you utilize the bought land?
- a) Limited land for farms ()
 - b) Border /boundary crisis with neighbors ()
 - c) Disturbed by animals ()
8. What is the source of land for brick making?
- a) Clan land/public land ()
 - b) Personal land ()
 - c) Hired land ()
 - d) Bought land ()

e) Public land ()

9. What problems do you face from the following?

a) Public land 1.

2.

b) Clan land 1.

2.

c) Personal land 1.

2.

d) Hired land 1.

2.

e) Bought land 1.

2.

10. Are there any local formal grouping associations which are formed in the study area?

a) Yes ()

b) No ()

11. If yes, what is the purpose behind their formation?

a) For managing lands ()

b) For land allocation ()

c) For land distribution ()

d) For storage of land ()

12. Are there informal arrangements in the study area?

a) Yes ()

b) No ()

If yes, what are the functions of these informal arrangements?

c) Help in accessing allocation of land ()

d) Help in distribution of land ()

e) Help in the using if land ()

13. Is there any role displayed by the village, government and its committee related to land?

a) Yes ()

b) No ()

14. If yes, specify the role by mention the major functions.

15. Is there any role displayed by the ward or division level leaders and organizations in land resource management in the study area?

a) Yes ()

b) No ()

16. If yes specify the crucial roles that are displayed by the ward and division leaders and some existing organizations.

**SECTION II: Questions Clarifying the Strength of Existing Institutions in the
Administration of Land Resource**

1. Do you know informal and formal institutions that influence land uses?
 - a) Yes ()
 - b) No ()

2. If yes, what are the traditions, norms, folklore and customs that influence land use in the area?

3. Do you know of land rights and land user fees?
 - a) Yes ()
 - b) No ()

If yes, what have you heard about land rights?

4. Do you have a stake in any land rights; explain?
5. Have you applied for one as an individual or as group?
 - a) Yes ()
 - b) No ()

If yes, please what did you do in terms of procedures?

6. Do you pay for the land you use?
 - a) Yes ()
 - b) No ()
7. If yes, how much do you pay for your land? And to whom? Specify

8. Do you benefit from paying for land?
 - a) Yes ()
 - b) No ()

9. If yes, please specify.
10. Are there basic outcomes / effects of paying for the land?
- a) Yes ()
- b) No ()
11. If yes, please explain.
12. Do you think informal institutions can resolve conflict resolution?
- a) Yes ()
- b) No ()
13. If yes, please explain how.
14. Do you think primary courts play significant role in the administration of land resource-mechanism?
- a) Yes ()
- b) No ()
- If yes, please specify how.
15. Do you think the customary arrangement plays any role in the administration of land resources – mechanism in this area?
- a) Yes ()
- b) No ()

If yes, please specify.

16. Have you ever heard about land fees/charge/ tariffs to be paid to any level of authority?

a) Yes ()

b) No ()

If yes, please specify any and why to whom and how.

17. Do you think there is any advantage / problem inherent in land fees, land charges/ tariffs/ and tax?

a) Yes ()

b) No ()

18. Can we improve on land fees/charges/tariffs, being covered on users?

a) Yes ()

b) No ()

If yes, please explain how.

**SECTION III: QUESTIONS CLARIFYING THE STRENGTH OF
EXISTING INSTITUTIONS IN THE ADMINISTRATION
OF LAND RESOURCE**

1. Do you know any informal and formal institutions that influence land uses?
 - a) Yes ()
 - b) No ()

2. If, yes, what are the Traditions, norms, folklore and customs that influence land use in the area?

3. Do you know land rights and land – user fees?
 - a) Yes ()
 - b) No ()

4. If yes, what have you heard about land rights?

5. Do you have a stake in any land rights? (Explain)

6. Have you applied for one as an individual or as group?
 - a) Yes ()
 - b) No ()

If yes, please what you did in terms of procedures? Explain

7. Do you pay for the land you use?
- a) Yes ()
- b) No ()
8. If yes, how much do you pay for your land? And to whom? (Specify)
9. Do you benefit from paying for land?
- a) Yes ()
- b) No ()
10. If yes, please specify.
11. Are there basic outcomes / effects of paying for the land?
- a) Yes ()
- b) No ()
- If yes, please explain.
12. Do you think informal institutions can resolve conflicts?
- a) Yes ()
- b) No ()
- If yes, please explain how.

13. Do you think primary courts play a significant role in the administration of land resource-mechanism?

a) Yes ()

b) No ()

If yes, please specify how.

14. Do you think the customary arrangement play on role in the administration of land resource – mechanism in study area?

a) Yes ()

b) No ()

If yes, please specify.

15. Have you ever heard about land fees/charge/tariffs to be paid to any level of authority?

a) Yes ()

b) No ()

If yes, please specify any and why, to whom and how.

16. Do you think there is any advantage / problem inherent in land fees, land charges/ tariffs/; and tax?

a) Yes ()

b) No ()

17. Can we improve on land fees/charges/tariffs, being covered on users?

a) Yes ()

b) No ()

If yes, please explain how.

SECTION IV: Questions Clarifying the Types and Causes of Land use Conflicts and
Their Mitigation Pathway in the Study Area

1. Have you experienced land conflicts in this area?
 - a) Yes ()
 - b) No ()
2. If yes, please explain.
3. Do you remember when there were land conflicts in the area?
 - a) 1985 – 1990 ()
 - b) 1991 – 1995 ()
 - c) 1996 – 2000 ()
 - d) 2001 – 2006 ()
 - e) 2007 – 2008 ()
4. Who were major parties in that conflict that you had experienced in this area?
 - a) Farmers and pastoralist ()
 - b) Farmers (individuals) businessmen ()
 - c) Pastoralist (individuals) company ()
5. Were these land conflicts handled by the various forms of informal institutions or formal institutions.
 - a) Yes ()
 - b) No ()

If yes, please explain.
6. Can you distinguish how the two authorities handled that land conflict?
 - a) Yes ()
 - b) No ()
7. If yes, please explain how the village, ward, district levels handled the conflicts and how the primary court and ward tribunals handled the conflict.

8. Do you know land conflicts resolution?
- a) Yes ()
- b) No ()
9. If yes, please specify
10. Is there any inadequacy in land law?
- a) Yes ()
- b) No ()
11. If yes, please specify what and why.
12. Do you accept the strength weakness or opportunities of your regional executive officers, district executive officers, and division executive officers or ward executive officers in relation to land matters?
- a) Yes ()
- b) No ()
13. If yes, please specify the issue.
14. Do you understand the constraints/challenges/problems facing community participation in relation to land issue / land user conflicts resolution in your area?
- a) Yes ()
- b) No ()
- If yes, please explain.
15. Mention the various possibilities of changing institutional framework for sound management of land in the study area as opposed to the conventional sub-village, ward, district, regional approach.

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16. What should be done to improve land user conflict resolution?
17. Are there the most critical regulatory land related issues for communities which the municipality must/should ensure compliance?
- a) Yes ()
- b) No ()
18. If yes, please specify.
19. What is your village capacity in terms of?
- a) Personnel
-
-
-
-
- b) Skills related to land matters
-
-
-
-
- c) Village organizational set up
-
-

.....

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20. What are the capacity gaps as per the following schedule?

Items	1: adequate 2: Cap. /deficit; quantity Capacity gap/deficit i.e. No Capacity GAP
Personal	Human ()
Skill/Knowledge	Skills ()
Village organization setup	Communication ()
Briefly explain • Personal • Skills • Village organization setup	Briefly elaborate below, the nature of the gap, if any

Burchard M.B.K. Rwetembula
Open University of Tanzania
P.O. Box 23409
DAR ES SALAAM – TANZANIA

21/7/2010

Appendix

**JAMHURI YA MUUNGANO WA TANZANIA
OFISI YA WAZIRI MKUU
TAWALA ZA MIKOA NA SERIKALI ZA MITAA**

WILAYA YA MULEBA
Anwani: "ADM."
Simu Na: **028-2224006**
Telefax Na: **028-2224006**
Unapojibu tafadhali taja



Ofisi ya Mkuu wa w
S.L.P. 2,
MULEBA.

Kumb. Na.KGR/ML/U.60/2/VOL.II/38

26/07/2010

Afisa Mtendaji Kata,
Ngenge. Ijumbi, Karambi ✓
Wilaya ya Muleba.

YAH: BW. BURCHARD B.M.K RWEHABURA

Mtajwa hapo juu ni mwanafunzi wa Chuo Kikuu huria ambaye anafanya utafiti. Mpokee na kumtambulisha kwa maandishi sehemu zinazohusika

Rubanzibwa P.R.M
KATIBU TAWALA (W)
MULEBA

Nakala: Bw. Burchard B.M.K Rwehabura

Appendix

A-3

RUBYA DISTRICT DESIGNATED HOSPITAL, P.O. BOX 130, RUBYA-BUKOBA,
Email: rhospital2004@yahoo.com, Mobile: 0754-765-261/0786-776-175

PATIENT'S REFERRAL FORM

DATE: 28-07-2010

Ref. No. RDDH/REF. No. 41/010

To: SURGEON, BUGANDO MEDICAL
CENTRE

Patient's name: PHILBERT PAUL Age 23 Yrs Sex M

Main complaints:

Chest tightness and Pain

Brief Amplification:

Had a gun shot on 27/4/10 which was
fired his left arm, left chest, 2 months later he developed
effusion of left lung, 1200cc clear fluid was aspirated,
made on 28/6/10 came back, no chest pain again.

Clinical findings:

Reduced movements left chest, reduced tactile voc.,
Reduced air entry left, tenderness on touch

Investigations done

& Results:

CXR - Effusion left (2nd time)

Provisional Diagnosis:

Pleural effusion left cause?
Remnants of bullet?

DDx:

Treatment Given:

Diclofenac 50mg tds x 7 days
No medical treatment

Reasons for Referral:

The cause of Pleural effusion has not been
established, with improvement

Doctor's Name:

Dr. S. Katuru

Signature:

Official Stamp:

Approved for
Referral
V. KaturuDr. Mabel F
28/7/2010

Appendix

THE UNITED REPUBLIC OF TANZANIA
PRIME MINISTER'S OFFICE
REGIONAL ADMINISTRATION AND LOCAL GOVERNMENT

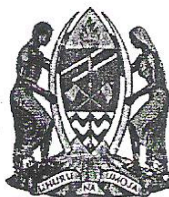
KAGERA REGION

Telegraphic Address: "REGCOM"

Tel. No: (028) 2220215-18

Fax No. (028) 2222341

(028) 2221356

E-mail: raskagera@pmoralg.go.tz

REGIONAL COMMISSIONER'S OFFICE,
P.O. BOX 299,
BUKOBIA - KAGERA.
TANZANIA.

In Reply Please quote:

Ref. No. DA.121/259/01/65

26th October, 2010

District Administrative Secretary,
-Bukoba
-Muleba
-Misenyi

**RE: EXTENSION OF SESSION OF DATA COLLECTION FOR
MR BUCHARD M.B.K. RWETEMBULA**

The mentioned above has requested the extension of session for data collection, this is due to the fact that he couldn't complete his work on the targeted time.

Please allow him to conduct his research referring to our previous letter with reference no. DA.121/259/01/61 dated on 23rd July, 2010.

A handwritten signature in black ink.

Tibaijuka V.J.

**For: REGIONAL ADMINISTRATIVE SECRETARY
KAGERA**

Copy: Burchard M.B.K. Rwehabura

JAMHURI YA MUUNGANO WA TANZANIA
OFISI YA WAZIRI MKUU
TAWALA ZA MIKOA NA SERIKALI ZA MITAA

WILAYA YA BUKOBA

Anwani: "ADMIN."

Simu ya Mdomo: 255 028-2220223

Telefax Na: 255 028-2221356

E-Mail: raskagera@pmoralg.go.tz

Unapojibu tafadhali taja:



OFISI YA MKUU WA WILAYA

S. L. P. 9,

BUKOBA,

TANZANIA.

Kumb. Na. KGR/BK/T/E.10/27/Vol.III/70

26 Oktoba, 2010

Hakimu Mfawidhi,

Baraza la ardhi,

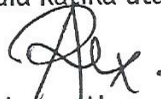
BUKOBA.

Yah: BW. BUCHARD M.B.K. RWETABULA

Kichwa habari hapo juu chahusika.

Mtajwa hapo juu ni mwanafunzi wa Chuo Kikuu Huria ambaye anafanya utafiti.

Tafadhali mpokee na kumsaidia katika utafiti wake.

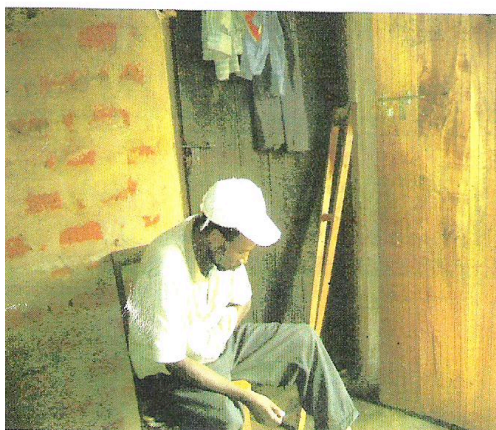
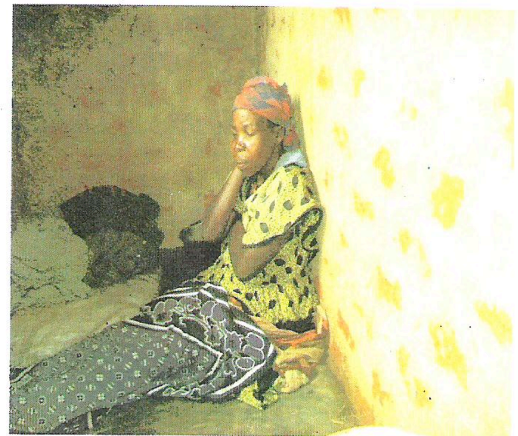

 Agnes Alex

**Kny: KATIBU TAWALA WA WILAYA
 BUKOBA**

**KATIBU TAWALA WA WILAYA
 BUKOBA**

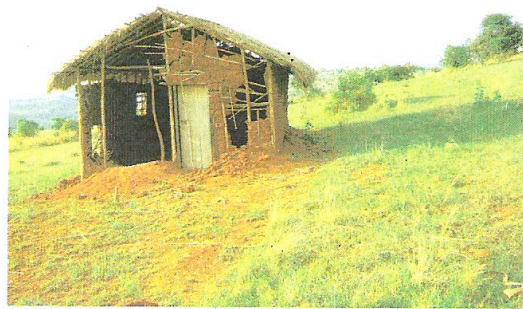
Nakala:

Bw. Buchard M.B.K Rwetabula



These are pictures of families that have been left without specific homes..... desperate families

A=4



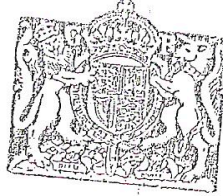
The destroyed environment of the Rutoro village in terms of villagers' houses or gardens of bananas and coffee shambas



These herds of cattle are owned by rich people from Karagwe. The rearing fields are basically the Rutoro village that has been grabbed by Kagoma Ranch hence forth faced the indigenous people to leave their village by force

TANGANYIKA TERRITORY

Land Registry Ordinances, 1923 to 1926.



CERTIFIED TRUE COPY
OF THE ORIGINAL
29 AUG 2008
A. KABUNGA ADVOCATE

CERTIFICATE OF TITLE TO LEASEHOLD LAND.

This is to certify that the annexed Certificate of Occupancy dated
the Twentyfifth day of September 1929
is registered in the Land Registry under title No. 1228
Copies of the subsisting entries in the register are within.

Dated the Ninth day of November 1929

CERTIFIED TRUE COPY
M. M. way
Asst. Registrar of Titles
Date 27.08.08

A. Kabunga
Registrar of Titles.

Title No. 1228

Description of registered land:

All that piece or parcel of land situated at Buguma
in the District of Bukoba containing approximately
Six hundred and Ninety two (652) acres as delineated
and edged with red on the map annexed to the Certificate of Occupancy.

ENTRIES IN THE REGISTER

TITLE No. 1220.

Ref. No. of filed document	Date of Registration	Nature of entry
	1929	Leasehold Title.
	9th November 11.45am.	Certificate of Occupancy in favour Konstantine Demetrio Pantelakis of Buguma, First Registered Owner.
643	1930 23 rd June 3.45 pm.	Mortgage by deposit of title deeds in 5/5/30 for Shs 40,000/- and interest in of Barclays Bank (Dominion Colonial & B)
1174.	1932 1st July 1932	Release of above charge (75 1 st 643)
1404.	1933. 2 nd June 10 a.m.	Mortgage by deposit of title deeds in favour of the Bank of South Africa Limited dated 8.5.1933 for Shs 10,000/-
1457	1934. 12 th Sept. 1934	Release of the above (75 1 st 1404)
2787	1937 30th November 8.10 a.m.	Transfer dated 15/11/1937, George Dimiri Pantelakis (half share), John Nicolai P. (three-tenths share) and An Nicolai P. (two-tenths share)

Manager
Asst. Registrar of title
Date 27.06.08

NOTICE OF REVISION OF RENT
1577 18.12.33 330/100

Shs 600/- per annum
of 2000/- per annum

NOTICE OF REVISION OF RENT
OF UNDIVIDED HALF SHARE
No. 1575 Registered 29.7.33 at

to the Administration Council
consequently as personal
of the Estate of George Dimiri
Pantelakis